



AGENDA

BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

Regular Meetings: The First, Second, and Third Tuesday of each month. Location of meeting is specified just below.

MEETING LOCATION Board Chambers, 2nd Fl., County Courthouse, 278 Main St., Bridgeport, CA 93517

Regular Meeting January 5, 2016

TELECONFERENCE LOCATIONS: 1) First and Second Meetings of Each Month: Mammoth Lakes CAO Conference Room, 3rd Floor Sierra Center Mall, 452 Old Mammoth Road, Mammoth Lakes, California, 93546; 2) Third Meeting of Each Month: Mono County Courthouse, 278 Main, 2nd Floor Board Chambers, Bridgeport, CA 93517. Board Members may participate from a teleconference location. Note: Members of the public may attend the open-session portion of the meeting from a teleconference location, and may address the board during any one of the opportunities provided on the agenda under Opportunity for the Public to Address the Board.

NOTE: In compliance with the Americans with Disabilities Act if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (760) 932-5534. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (See 42 USCS 12132, 28CFR 35.130).

Full agenda packets are available for the public to review in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517), and in the County Offices located in Minaret Mall, 2nd Floor (437 Old Mammoth Road, Mammoth Lakes CA 93546). Any writing distributed less than 72 hours prior to the meeting will be available for public inspection in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517). **ON THE WEB:** You can view the upcoming agenda at www.monocounty.ca.gov. If you would like to receive an automatic copy of this agenda by email, please send your request to Bob Musil, Clerk of the Board: bmusil@mono.ca.gov.

UNLESS OTHERWISE SPECIFIED BY TIME, ITEMS SCHEDULED FOR EITHER THE MORNING OR AFTERNOON SESSIONS WILL BE HEARD ACCORDING TO AVAILABLE TIME AND PRESENCE OF INTERESTED PERSONS. PUBLIC MAY COMMENT ON AGENDA ITEMS AT THE TIME THE ITEM IS HEARD.

9:00 AM Call meeting to Order

Pledge of Allegiance

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

on items of public interest that are within the subject matter jurisdiction of the Board.
(Speakers may be limited in speaking time dependent upon the press of business)

and number of persons wishing to address the Board.)

2. APPROVAL OF MINUTES

A. Board Minutes

Departments: Clerk of the Board

Approve minutes of the Special Meeting held on December 7, 2015.

B. Board Minutes

Departments: Clerk of the Board

Approve minutes of the Regular Meeting held on December 8, 2015.

C. Board Minutes

Approve minutes of the Regular Meeting held on December 15, 2015.

3. RECOGNITIONS

A. Certificate of Appreciation for Lynda Salcido

Departments: Board of Supervisors

10 minutes

(Chairman Fesko) - Certificate of appreciation for Lynda Salcido for her role as Interim CAO.

Recommended Action: Approve certificate of appreciation for Lynda Salcido.

Fiscal Impact: None.

B. Resolution in Appreciation - Major Road Rehabilitation Projects in Mono County

Departments: Public Works

10 minutes

(Jeff Walters) - Recent road rehabilitation projects throughout Mono County have been completed. County staff, various consultants and contractors, the June Lake Citizens Advisory Committee, the Long Valley and Chalfant RPACs, the Mono County Planning Commission, the Local Transportation Commission and the Board of Supervisors contributed to the successful completion of these projects.

Recommended Action: Approve Resolution in Appreciation of Contributions Made to the Accomplishment of Major Road Rehabilitation Projects in Mono County.

Fiscal Impact: None.

C. Election of New 2016 Board Chair

Departments: Clerk of the Board

5 minutes

(Outgoing Board Chair) - The outgoing Board Chair will call for nominations to elect the Chair of the Board for 2016.

Recommended Action: Elect the new Chair of the Board for 2016.

Fiscal Impact: None.

D. Election of New 2016 Vice Chair to the Board

Departments: Clerk of the Board

5 minutes

(Newly Elected Board Chair) - The newly elected Board Chair will call for nominations to elect the Vice Chair of the Board for 2016.

Recommended Action: Elect the new Vice Chair of the Board for 2016.

Fiscal Impact: None.

E. Election of New 2016 Chair Pro-Tem

Departments: Clerk of the Board

5 minutes

(Board Chair) - The newly elected Chair will call for nominations to elect the Chair Pro-Tem of the Board for 2016.

Recommended Action: Elect the new Chair Pro-Tem of the Board for 2016.

Fiscal Impact: None.

F. Presentation to Outgoing Chairman Fesko

Departments: Clerk of the Board

10 minutes

(Board Chair) - Presentation to Chairman Fesko by newly elected Board Chair honoring Supervisor Fesko's service to the Board in 2015.

Recommended Action: None.

Fiscal Impact: None.

4. BOARD MEMBER REPORTS

The Board may, if time permits, take Board Reports at any time during the meeting and not at a specific time.

5. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments
Receive brief oral report by County Administrative Officer (CAO) regarding work activities.

6. DEPARTMENT/COMMISSION REPORTS

7. CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

A. Treasury Transaction Report

Departments: Finance

Treasury Transaction Reports for the months of October & November 2015.

Recommended Action: Approve the Treasury Transaction Reports for the months of October & November 2015.

Fiscal Impact: None.

B. Appointment to Mono County Child Care Council

Departments: Clerk of the Board

Appointment of Salvador Montanez to the Mono County Child Care Council for a term of two years beginning 1/1/16 and expiring 12/31/17. This item is sponsored by Supervisor Corless.

Recommended Action: Appoint Salvador Montanez to the Mono County Child Care Council, with a term expiring 12/31/17.

C. Appointments to Mono County Behavioral Health Advisory Board

Departments: Board of Supervisors

Supervisor Corless was appointed to Mono County's Behavioral Health Advisory Board on January 6, 2015, attended a training workshop by the California Institute for Behavioral Health Solutions regarding advisory board roles and responsibilities, and worked with Behavioral Health Department staff members to find Advisory Board members meet the state requirements so that formal board appointments can be made. This item is being sponsored by Supervisor Corless.

Recommended Action: Make the following appointments to the Mono County Behavioral Health Advisory Board – Susi Bains, Jeff Franke, Lois Klein to two-year terms expiring January 2018; Ingrid Braun, Stacy Corless, Al Davis to three-year terms, expiring January 2019.

Fiscal Impact: None.

D. Hiring Freeze Variance; DSS Integrated Caseworker

Departments: Social Services

An Integrated Caseworker I position vacancy within the Dept. of Social Services exists due to a retirement at the end of December 2015. The Department requests authorization to recruit and hire a replacement for the incumbent. This position is included in the current BOS-approved allocation list.

Recommended Action: Approve hiring freeze variance and authorize the Director of Social Services to fill one Integrated Caseworker I vacancy within the Department of Social Services.

Fiscal Impact: There is no cost to the Mono County General Fund; the cost for this position this year and in subsequent fiscal years is paid for with Social Services funds. The cost for an Integrated Caseworker I for the remainder of FY 2015-16 is approximately \$30,741 of which \$19,740 is salary. The full year cost is approximately \$61,482 of which \$39,480 represents salary.

E. Hiring Freeze Variance - Public Works Project Manager

Departments: Public Works

Due to an existing staff person's recent departure a vacancy exists in Public Works for a Project Manager. This position provides vital project management to Public Works and works with local agencies to formulate their desires into projects.

Recommended Action: Authorize Public Works Director, in consultation with Human Resources, to begin recruitment process to fill an existing Project Manager vacancy in Public Works. Provide any desired direction to staff.

Fiscal Impact:

The funding source for this position is full-time out of Public Works. Funds for this position are included in the Mono County FY 15/16 approved budget.

Project Manager - The total cost (salary and benefits) for remainder (6 months) of FY 15/16 is \$63,954.91 and for a full fiscal year is \$127,909.82 of which \$76,800 is salary.

F. Employment Contract with Dave Butters

Departments: CAO

Proposed resolution R16-_____, approving an Employment Agreement with Dave Butters and Prescribing the Compensation, Appointment and Conditions of Said Employment.

Recommended Action: Adopt resolution R16-_____, approving an Employment Agreement with Dave Butters and Prescribing the Compensation, Appointment and Conditions of Said Employment.

Fiscal Impact: The cost of this position for the remainder of FY 2015-2016

(February 1, 2016 to June 30, 2016) is approximately \$77,435 of which \$45,833 is salary; \$9,834 is the employer portion of PERS, and \$21,768 is the cost of the benefits and is included in the approved FY 2015-2016 Budget. Total cost for a full fiscal year would be \$170,144 of which \$110,000 is annual salary; \$24,796 is the employer portion of PERS, and \$35,348 is the cost of the benefits.

G. Employment Contract with Gerald Frank

Departments: CAO

Proposed resolution R16-_____, approving Employment Agreement with Gerald Frank and Prescribing the Compensation, Appointment, and Conditions of Said Employment.

Recommended Action: Adopt proposed resolution #R16-_____, approving Employment Agreement with Gerald Frank and Prescribing the Compensation, Appointment, and Conditions of Said Employment. Provide any desired direction to staff.

Fiscal Impact: The cost of this position for the remainder of FY 2015-2016 (January 15, 2016 to June 30, 2016) is approximately \$67,094 of which \$41,250 is salary; \$8,851 is the employer portion of PERS, and \$16,993 is the cost of the benefits and is included in the approved FY 2015-2016 Budget. Total cost for a full fiscal year would be \$147,364 of which \$90,000 is annual salary; \$20,288 is the employer portion of PERS, and \$37,076 is the cost of the benefits.

H. Employment Contract with Stephanie Butters

Departments: CAO, County Counsel

Proposed resolution R16-_____ approving an Employment Agreement with Stephanie Butters and Prescribing the Compensation, Appointment, and Conditions of Said Employment.

Recommended Action: Adopt proposed resolution #R16-_____ approving an Employment Agreement with Stephanie Butters and Prescribing the Compensation, Appointment, and Conditions of Said Employment. Provide any desired direction to staff.

Fiscal Impact: The cost of this position for the remainder of FY 2015-2016 (January 1, 2016 to June 30, 2016) is approximately \$74,663 of which \$51,000 is salary; \$10,943 is the employer portion of PERS, and \$12,720 is the cost of the benefits and is included in the approved FY 2015-2016 Budget. Total cost for a full fiscal year would be \$164,008 of which \$102,000 is annual salary; \$22,993 is the employer portion of PERS, and \$39,015 is the cost of the benefits.

8. CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are located in the Office of the Clerk of the Board, and are available for review.

A. Letter regarding Expansion of Geothermal Plant

Departments: Clerk of the Board

Correspondence sent by the Mammoth Community Water District on behalf of their General Manager, Pat Hayes, regarding the expansion of the geothermal energy production plant.

B. Letter from Southern California Edison

Departments: Clerk of the Board

Correspondence dated December 3, 2015 from Southern California Edison regarding Mono County's new Governmental Affairs Representative, Rudy Gonzales.

C. Letter from Fish and Game Commission

Departments: Clerk of the Board

Correspondence dated December 11, 2015 received from the Fish and Game Commission regarding a Notice of Proposal for a 90 Day Extension of Emergency Action to extend existing emergency regulations establishing measures for fisheries at risk due to drought conditions.

D. Fish and Game Commission Notice

Departments: Clerk of the Board

Copy of Notice dated December 24, 2015 from the Fish and Game Commission regarding special measures for fisheries at risk due to drought conditions.

E. Suddenlink Notification

Departments: Clerk of the Board

Information received from Suddenlink dated December 22, 2015, regarding notification of various rate adjustments.

9. REGULAR AGENDA - MORNING

A. Supervisors' Appointments to Boards, Commissions and Committees

Departments: Clerk of the Board

30 minutes (5 minute presentation; 25 minute discussion)

(Shannon Kendall; Board Chair) - Mono County Supervisors serve on various boards, commissions and committees for one-year terms that expire on December 31st. Each January, the Board of Supervisors makes appointments for the upcoming year.

Recommended Action: Appoint Supervisors to boards, commissions and committees for 2016.

Fiscal Impact: None.

B. 2016 Calendar of Regular Meetings of the Board of Supervisors

Departments: Clerk of the Board

10 minutes

(Shannon Kendall) - Rule 3 of the Mono County Board Rules of Procedure specifies that: an annual calendar of meetings shall be adopted by the Board at their first meeting in January. The calendar will include all known regular meetings. Any meeting may be canceled upon the order of the Chair or by a majority of Board members.

Recommended Action: Approve proposed calendar of regular meetings for 2015. Cancel any agreed upon meeting for 2015.

Fiscal Impact: None.

C. Letter to Town Council and Mammoth Lakes Housing

Departments: Board of Supervisors

10 minutes (5 minute presentation; 5 minute discussion)

(Leslie Chapman) - Letter to inform the Town Council and Mammoth Lakes Housing Board of Directors about citizen concerns around deed restricted properties in the Town of Mammoth Lakes.

Recommended Action: Approve letter as written or amended and direct staff to send to the Town of Mammoth Lakes Town Council and the Mammoth Lakes Housing Board of Directors.

Fiscal Impact: None.

D. Legal Services Agreements

Departments: County Counsel

10 minutes (5 minute presentation; 5 minute discussion)

(Stacey Simon) - Proposed contracts with the Law Firm of Constance Hornig, Esq. (solid waste) and the Law Office of Timothy B. Sanford (general litigation) pertaining to the provision of legal services to the County.

Recommended Action: Approve County entry into proposed contracts and authorize Chair to execute said contracts on behalf of the County. Provide any desired direction to staff.

Fiscal Impact:

Up to an additional \$18,000 to legal services budget with the adjustment between accounts to occur at mid-year budget with no net impact to the Board Approved 2015-16 budget.

E. EMS Committee Update

Departments: CAO

15 minutes (5 minute presentation; 10 minute discussion)

(Leslie Chapman) - EMS Committee Update and request approval to meet for the purpose of finalizing Committee report and presentation to the Board of Supervisors

Recommended Action: Approve request to meet for the purpose of finalizing the EMS Committee Report and presentation to the Board of Supervisors.

Fiscal Impact: None.

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

11. CLOSED SESSION

A. Closed Session--Human Resources

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Stacey Simon and Leslie Chapman. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

B. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Finance Director.

C. Closed Session - Existing Litigation

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION/ ADMINISTRATIVE PROCEEDING. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: Ray Tems v. County of Mono.

ADJOURN



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Board Minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Approve minutes of the Special Meeting held on December 7, 2015.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[12-07-15 draft sp mins](#)

History

Time	Who	Approval
12/29/2015 12:10 PM	County Administrative Office	Yes
12/29/2015 11:10 AM	County Counsel	Yes
12/29/2015 12:06 PM	Finance	Yes



**DRAFT SPECIAL MEETING MINUTES
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA**

MEETING LOCATION Mammoth Lakes BOS Meeting Room, 3rd Fl. Sierra Center Mall, Suite 307, 452 Old Mammoth Rd., Mammoth Lakes, CA 93546

**Special Meeting
December 7, 2015**

1:00 PM Meeting called to Order by Chairman Fesko.

All Supervisors Present for this meeting.

Pledge of Allegiance.

This meeting was not videotaped or audio taped.

1 OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD
No one spoke.

2. AGENDA ITEMS
There was nothing to report out of closed session.

A. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: HR Director.

ADJOURN: 4:10 p.m.

ATTEST

TIMOTHY E. FESKO
CHAIRMAN

SHANNON KENDALL
ASSISTANT CLERK OF THE BOARD

Note

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Board Minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Approve minutes of the Regular Meeting held on December 8, 2015.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[12-08-15 draft mins](#)

History

Time	Who	Approval
12/29/2015 12:10 PM	County Administrative Office	Yes
12/29/2015 11:09 AM	County Counsel	Yes
12/29/2015 12:14 PM	Finance	Yes



**DRAFT MEETING MINUTES
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA**

Regular Meetings: The First, Second, and Third Tuesday of each month. Location of meeting is specified just below.

MEETING LOCATION Board Chambers, 2nd Fl., County Courthouse, 278 Main St., Bridgeport, CA 93517

**Regular Meeting
December 8, 2015**

Flash Drive	#1002
Minute Orders	M15-233 to M15-245
Resolutions	R15-82 to R15-83
Ordinance	ORD15-09 NOT USED

9:00 AM Meeting Called to Order by Chairman Fesko

*Supervisors present: Alpers, Corless, Fesko, Johnston and Stump.
Supervisors absent: None.*

The Mono County Board of Supervisors stream all of their meetings live on the internet and archives them afterward. To listen to any meetings from June 2, 2015 forward, please go to the following link:

<http://www.monocounty.ca.gov/meetings>

Pledge of Allegiance led by Supervisor Alpers.

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

2. APPROVAL OF MINUTES

A. Board Minutes

Departments: Clerk of the Board

Action: Approve minutes of the Regular Meeting held on October

Note

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

20, 2015, as corrected.

Stump moved; Johnston seconded

Vote: 5 yes; 0 no

M15-233

Supervisor Johnston:

- On p. 10, bottom page, under the Variance, 15-001, his vote should say “abstain”, not “absent.”
- Bottom of p. 13, where it says please with NGO alignment, add “alignment process”.

Supervisor Alpers:

- On p. 10, under his comments, the word “State” needs to be capitalized in both places.
- On p. 5 – no correction and acknowledge Molly DesBaillets, he had no idea how much work she does. It’s been an education for him.

Supervisor Stump:

- On p. 16 of 17, last bullet point under his comments, “ask Superintendent Adler to respond to the two major questions regarding Anna’s credentials and mismanagement by the MCOE as claimed by the Bridgeport Friends of the Library”. First bullet point should also reflect “ask Superintendent Adler”.

B. Board Minutes

Departments: Clerk of the Board

Action: Approve minutes of the Special Meeting held on October 30, 2015.

Johnston moved; Corless seconded

Vote: 5 yes; 0 no

M15-234

C. Board Minutes

Departments: Clerk of the Board

Action: Approve minutes of the Regular Meeting held on November 3, 2015, as corrected

Alpers moved; Corless seconded

Vote: 5 yes; 0 no

M15-235

Supervisor Johnston:

- On p. 7, after 8b, under comment, add to first bullet point: “Also, Mono County has habitat suitable for the gray wolf.”
- On p. 9, before d – where it says “appreciates Airport Road being kept up”, should say, “Appreciates Airport Road being a top priority”.

D. Board Minutes

Departments: Clerk of the Board

Action: Approve minutes of the Special Meeting held on November 5, 2015.

Note

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Stump moved; Johnston seconded

Vote: 5 yes; 0 no

M15-236

E. Board Minutes

Departments: Clerk of the Board

Action: Approve minutes of the Special Meeting held on November 5, 2015, as corrected.

Johnston moved; Alpers seconded

Vote: 5 yes; 0 no

M15-237

Supervisor Johnston:

- On p. 1, under “opportunity for the public to address the board”, CJ Herma’s comments, add that he “indicated that the Antelope Valley RPAC as dysfunctional”.
- On p. 4, seventh bullet point under his comments, should say “not concerned with the number of members”.

Supervisor Stump:

- On p. 2, under his comments, strike word “Paradise” and insert “Swall Meadows” – they have the Design Review Committee, not Paradise.
- On p. 5, fourth bullet point of his comments, add to end “for RPAC membership”.

F. Board Minutes

Departments: Clerk of the Board

Action: Approve minutes of the Regular Meeting held on November 10, 2015.

Stump moved; Alpers seconded

Vote: 5 yes; 0 no

M15-238

G. Board Minutes

Departments: Clerk of the Board

Action: Approve minutes of the Regular Meeting held on November 17, 2015.

Johnston moved; Corless seconded

Vote: 5 yes; 0 no

M15-239

3. RECOGNITIONS

A. Certificate of Appreciation for Lynda Salcido

Departments: Board of Supervisors

(Chairman Fesko) - Certificate of appreciation for Lynda Salcido for her role as Interim CAO.

Note

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Action: Approve certification of recognition for Lynda Salcido.

Corless moved; Johnston seconded

Vote: 5 yes; 0 no

M15-240

Supervisor Fesko:

- Noted that Lynda was not there today.
- Read certificate; the Board agreed to move the presentation of this certificate to the January 5, 2016 meeting.

4.

BOARD MEMBER REPORTS

Supervisor Alpers:

- 11/19 - Toured Conway Ranch with Tony Dublino. Provided him with background information on Ranch facilities and infrastructure improvements.
- 11/21 - Attended Funeral Services for Dick Noles. The First Presbyterian Church in Bishop was packed; a real tribute to Dick. The speakers were retired Inyo County Supervisor Linda Arcularius, off-road business owner Randy Gillespie, and granddaughter Cari Noles. All three did an outstanding job of characterizing Dick's breathtaking life dedicated to family, community, public service and his distinguished professional career with SCE.
- 12/2 - Attended the special meeting MBRPAC meeting held at the LVCC. Alicia Vennos and Jeff Simpson from Mono County Economic Development updated the Board on Fall activities around the County. Margie DeRose, the new INF Deputy District Ranger was introduced. The discussion on drone activity was continued with citizens being encouraged to on the lookout for drone/environmental issues.

Supervisor Corless:

- 11/13, attended a very worthwhile CSAC class on intergovernmental relations and will be following through with some of the concepts there at the next ESCOG meeting in December.
- BH Advisory Board meeting: We have the required number of board members now so will be recommending appointments to BOS in January.
- Broadband news: taskforce presentation to council last week went well; Nate Greenberg announced Suddenlink's gigabit service in Mammoth, and soon, June.
- Strategic planning meeting in November: how to organize materials for midyear review
- Thanksgiving in Mammoth: biggest Thanksgiving weekend in many years, participated in the inaugural turkey trot in frigid temps.
- ES Avalanche Ctr fundraiser, great work by Nate Greenberg and other board members to raise money for avalanche safety programs.
- CSAC: Very grateful for the opportunity to attend the annual meeting and to connect with colleagues throughout the state, and to have the time and space to learn and reflect. There was an excellent workshop on Long-term impacts of the drought that included thoughtful and well received presentation by Robin Roberts. She urged participants to work to change the narrative around drought—to stop the fight of food versus jobs versus environment. Many of the workshops focused on improving communication—the use of social media, messaging, how to work better with all types—and shapes—of people (google Connie Podesta + shapes for more info. She's a circle for sure).

Note

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- Speaking of communication ... We, as a board, and we as a County must acknowledge the serious allegations made in the recent story and editorial in The Sheet regarding a harassment complaint against our former CAO. This is a complicated matter with many elements that must be held confidential according to law. This type of case is difficult and, as an elected official, one faces far more gray areas than crystal clear ones with respect to what the law allows you to disclose, and we work closely with the County counsel's office to advise us on legal requirements as a body. I believe that the ultimate action we took as the Board of Supervisors appropriately balanced the complainant's rights, mitigated the county's risk and wisely used the county's limited resources to keep vital work moving forward, all in an expeditious manner.

What is very clear is the need to keep persistent focus on ethics and transparency as we set policy and make decisions. Our actions must always pass the front page test and stand up to the scrutiny of our harshest critics. I don't agree with some of the editorial choices and omissions that our local paper made in reporting this story, but I'm not an editor anymore. I am an elected official on the Board of Supervisors and it's my responsibility to diligently work to build trust and maintain confidence in our actions. I assure you that work will continue.

- Request to adjourn meeting in memory of Bob Tanner.

Supervisor Fesko:

- November 17th-18th -- Attended the RCRC Executive meeting. We continue to get updates on a hot topic: Marijuana! Paul Smith gave a brief intro into current (new) California Law regarding Medical Marijuana. Paul has been giving presentations at many BOS in other counties and is willing to come to Mono County.
- November 19th -- Attended the EMS Ad Hoc committee. The committee is making great progress and looks to have a report available in January.
- November 25th -- Attended the ARC.
- December 1st -- Attended the ARC.
- December 1st -- 4th -- Attended the CSAC annual meeting. Many great workshops including Water Rights issues, Wildfire Report, Increasing California's Renewable Portfolio Standard, Road User Charges, State & Federal Transportation Funding, Marijuana Policies, Broadband, and much more.
- December 15th -- Planning Staff will be giving their own presentation on Medical Marijuana. Paul Smith, RCRC guru, will be giving a presentation this coming Friday, December 11th, to the Alpine County Board of Supervisors. The special meeting will be at 1:30 pm in Markleville. I recommend all Mono County Board members to attend as Paul understands the current Medical Marijuana laws along with the up and coming Recreational Marijuana initiatives coming in 2016.

Supervisor Johnston:

- Attended the CSAC annual meeting along with Supervisors Fesko and Corless. Handed out information from the conference along with the CSAC Board of Directors briefing materials.
- Attended the Great Basin Unified Air Pollution Control District meeting on Dec 7th. Noted the progress being made on the Keeler Dunes dust control project.
- Participated in the HR Director interviews in the afternoon of Dec 7th.

Note

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Supervisor Stump:

- 11-12; Watched Planning Commission TROD item from Mammoth.
- 11-18; Attended Tri Valley Water Commission - Commission is moving ahead with Basin separation from the Owens Valley in collaboration with Inyo County.
- 11-19; EMS Committee meeting.
- 12-1; Attended CSA 1 meeting.
- 12-3; Attended EMS Committee meeting.
- 12-7 ; Attended Great Basin Unified Air Pollution Control District meeting
- Request that today's meeting be adjourned in the memory of Doug Butler - Crowley Lake Fishing Guide.

5. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments

Receive brief oral report by County Administrative Officer (CAO) regarding work activities.

Leslie Chapman:

- 11/18 - Winter Storm Preparedness teleconference
- 11/18 - Energy Task Force monthly meeting
 - done with review of the energy audit report and asked for changes/corrections
 - looking at implementing recommendations and preparing to report to the Board
- 11/19 - CSAC Broadband Teleconference; EMS Committee Meeting
- 11/19 – 11/24 - Met with finance staff individually to discuss future of the dept.
 - Already short 2 staff, then I left and Roberta is retiring at the end of Dec. so staff is anxious and rightfully so.
 - Filled the FTS position and TTC interviews are on the 18th
- 11/20 - Strategic planning workshop – moving forward and preparing for a presentation to coincide with the midyear budget presentation
- 11/23 Facilities Project Review Committee
- Last Week CSAC Conference highlights:
 - Women's Leadership forum
 - Navigating social media
 - Road \$\$
 - CAOAC business meeting and networking event
- 12/7 - HR interviews, 2nd round

6. DEPARTMENT/COMMISSION REPORTS:

Joe Blanchard (Public Works):

- Clinic moved out of old hospital and into Twin Lakes Annex. Remodeled to accommodate Mammoth Hospital clinic, moved staff to Office of Ed. Moved locks. Closing Social Services reduced 18,000 sf for energy savings on heating and lighting. Finished ADA at Annex 2, nearly done with Bridgeport probation remodel. Thanked facilities staff for hard work, dedication.
- Supervisor Stump: Bring staff for commendation.

Nathan Reade (Ag Commissioner):

- New equipment in weights/measures. New provers for propane. Check

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everything yearly. Measured mile in Independence, State assisted Reade. See if Mono wants same. Spring conference in Mammoth in May. Invited US Sec Ag as keynote speaker. Water conference in Clovis on Ag use. Suggested water conference on east side. Urban vs Ag vs enviro. Education that people need to eat. State telling what to plant, where.

Ingrid Braun (Sheriff):

- Concern for Mono employees after San Bernardino shooting fatalities. Kathy Peterson asked for active shooter training at Sierra Center Mall. Look at all County buildings re: security. Government often target of incidents. Mono: don't let comfort be complacency. Better to prepare and not have happen. All agencies would respond as team for incidents. Run if can, hide if can't run, fight if can't hide.
- **Supervisor Fesko:** Training in North County?

Tony Dublino (Solid Waste):

- Crushing aggregate material. Carpet recycling successful. Jan. 19 recycling efforts, way fees/materials collected, reflect processing costs. Long-term solid waste planning. Plastic bag ban recommendation. Deal with Town is underway. Pumice Valley purchase by LADWP approved.
- Supervisor Stump: Commended Dublino on major accomplishment.

Stacey Simon (County Counsel):

- Sustainable Groundwater Management Act. Passed out map. Tri-Valley Groundwater Management District working with Inyo to request basin boundary adjustment with State Water Resources. Public meeting in Bishop Wednesday night, notice to all affected parties, RPACs in Tri-Valley. Up for approval in 2016.

Scott Burns (Community Development):

- National Fish & Wildlife Federation grant for CEQA water transfers at Walker Lake.

Nate Greenberg (Information Technology):

- Delta Wireless of Stockton for documentation project of communications infrastructure, \$60,000. On site today/tomorrow, looking at dispatch, Conway Summit. SuddenLink rolling out gigabit service to ML, JL. CL hoping to be on line in 2016, then Tom's Place, Sunny Slopes. Letters on need for broadband. Technology for gigabit is Fiber-rich with branch co-ax.
- Supervisor Fesko: Move to redefine broadband held at CSAC.
- Supervisor Alpers: Appreciate appraisal on fast-moving issue. Four letters arrived, more coming from Lee Vining area.

Robin Roberts (Behavioral Health):

- Addressed CSAC on psychological effects of drought. Resilience rather than fight. Some counties trucking in water. People eager to talk about drought. Seize moment as human story, not economic.
- Supervisor Fesko: Noted many were impressed with Roberts' presentation.

7. CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

A. Hiring Freeze Variance; DSS FTS IV

Departments: Social Services

A Fiscal Technical Specialist IV position vacancy within Social

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Services will be created due to a retirement at the end of December 2015. The department requests the ability to recruit and hire a replacement for the incumbent prior to her departure to allow for cross training. This position is included in the current BOS-approved Allocation List.

Action: Approve hiring freeze variance and authorize the Director of Social Services to fill one Fiscal Technical Specialist IV vacancy within the Department of Social Services.

Alpers moved; Corless seconded

Vote: 5 yes; 0 no

M15-241

Supervisor Fesko:

- As a note on both items A and B, these positions are already funded, either non general fund monies or, alternatively, a vacant position (already budgeted) is being filled.

B. Hiring Freeze Variance - Deputy County Counsel I/II/III or Assistant (one position only)

Departments: County Counsel

Approve hiring freeze variance and authorize the County Counsel to fill one Deputy County Counsel I/II/III or Assistant (one position only) vacancy within the County Counsel's office.

Action: Approve hiring freeze variance and authorize the County Counsel to fill one Deputy County Counsel I/II/III or Assistant (one position only) vacancy within the County Counsel's office.

Alpers moved; Corless seconded

Vote: 5 yes; 0 no

M15-242

C. Appointment to Fill Planning Commission Vacancy

Departments: Board of Supervisors

Appoint Carol Ann Mitchell to fill the seat recently vacated by Roger B. Thompson on the Mono County Planning Commission, as recommended by Supervisor Fred Stump, with term expiring March 1, 2017.

Action: Appoint Carol Ann Mitchell to fill the seat recently vacated by Roger B. Thompson on the Mono County Planning Commission, as recommended by Supervisor Fred Stump, with term expiring March 1, 2017.

Stump moved; Alpers seconded

Vote: 4 yes; 1 no: Johnston

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Supervisor Johnston:

- Postpone a week, no resume or background info.

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- Town Planning Commission appointments have multiple candidates, interviews, process to vet. No background data at all, process question of blindly approving, not in packet. Public info, BOS background needed. Uncomfortable appointing, not good policy.

Supervisor Stump:

- Pushing now, as Planning Commission down to four commissioners due to resignation after last Planning Commission meeting. Witnessed last meeting that resulted in long, protracted discussion of today's issue. Desire to appoint planning commissioner. Bio: Member of Tri-Valley Groundwater District for years; on Chalfant RPAC; comfortable with her; limited appointment for duration of term; Planning Commission Dec. 10 has skate park on agenda. Appreciated request, but wanted to appoint today.
- Identified need for Tri-Valley to have voice beyond Stump in planning. Tri-Valley neglected in many ways. Project in Chalfant had 100% opposition, yet passed without community voice. Been looking for three months for suitable replacement. Everyone on proposed list began to move away. Confident in her capability. If timing weren't what it is, better to do it Johnston's way. Appointment to March 2017, relatively short term. Current Sunny Slopes commissioner speaks for west side, but eastern of District 2 neglected.

Supervisor Alpers:

- Understands Supervisor Johnston's concern, but requested exception as known her since 1980s, in contact over decades, would be excellent appointment. Exception due to personal knowledge.

Supervisor Fesko:

- No info on background, but concern. Give benefit of doubt on Alpers recommendation, so move forward.

Scott Burns:

- Send resume to BOS.

8. CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are located in the Office of the Clerk of the Board, and are available for review.

A. California Water Boards

Departments: Clerk of the Board

Receipt of Notice of Petition for Temporary Urgency Change for Permit 21185 (Application 28609) of June Lake Public Utility District from the State Water Resources Control Board.

The Board acknowledged receipt of the correspondence.

9. REGULAR AGENDA - MORNING

A. County Invasive Plant Program

Departments: Agricultural Commissioner

(Nathan D. Reade, Agricultural Commissioner) - This will be a presentation to provide an overview of the Agricultural

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Department's Invasive Plant Program.

Action: None.

Nathan Reade:

- Why responsible for weed management?
- 1981 Act. About 130 species in Inyo/Mono. Russian thistle/tumbleweed eradication not viable.
- About 15 agencies/groups meet, share resources, info in Inyo/Mono, working across jurisdictional boundaries.
- MOU about to expire. What/where to manage weeds? Larger threat to Ag, local environment, availability of resources, probability of management success.

Supervisor Johnston:

- Weed work in Death Valley? Different management people there, didn't need assistance.
- CA broke land into weed management areas 1996-97. Mojave claimed Death Valley for years.
- Reviewed 2016 projects: Antelope Valley (1997 flood spread weeds all over); Mammoth Lakes hydroseeding added weeds; pepperweed at Tri-Valley, Fish Slough, and Lower Owens.

Supervisor Alpers:

- Waters of Mammoth Lakes, spirogyra on USFS or LADWP land. Partnering? Talk to person about resources.
- CDFW might join MOU.
- Nasty weeds coming in, hate to see bureaucratic process ignore as unrealistic, rigid organization. Infestation could continue to destroy body of water. Take hard look. Mud snail, mussels. Climate change could bring more droughts. Natural bodies of water held up.

Supervisor Corless:

- Weed management meeting held last week, got calls on mullein. Woolly Mullein issue is throughout country, as are tumbleweed and cheat grass. Lots resources used, but weeds come back. Mullein likes disturbed areas, aggressive. If eradicate in few years, happy to work with. Agencies with resources not think its viable project, so many competing.

Supervisor Stump:

- Group 19 species together on website. Reade mentioned slide show, booklet for outreach.

B. General Plan Amendment 15-002

Departments: Community Development Department

(Courtney Weiche) - Public hearing regarding proposed amendment of the General Plan Designated Land Use Map to establish a Transient Rental Overlay District to allow for nightly rentals (with a Vacation Home Rental Permit) on APNs 016-099-027, --036, --037 and 016-096-006, in June Lake.

Action: Disapprove proposed Transient Rental Overlay Districts for parcels APNs 016-099-027, 016-099-036, 016-099-037 and 016-096-006.

Alpers moved; Johnston seconded

Vote: 5 yes; 0 no

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OPEN PUBLIC HEARING:

Supervisor Stump:

- Noted several speakers spoke longer at Planning Commission hearing that lasted more than two hours, requested 5-min limit so all could speak. If agree with prior speaker, so state, add additional points. Witnessed Planning Commission meeting on process approved in 2012 by BOS. Encouraged commenters to stick to issue, not criticize past or staff.

Supervisor Fesko:

- Everybody gets chance to speak. If comments repeated, might ask for show of hands who agree. Final process is at BOS. For emails, noted receipt and reviewed. Some not made to Planning Commission in timely manner. Planner Courtney Weiche first, then applicant.

Courtney Weiche:

- Expansion of existing Transient Rental Overlay District (TROD) to four parcels. First TROD in 2013 on Black property. Planning Commission considered four, not six. Reviewed noticing. Nevada Street only access for Silver Lake Tract USFS cabins, who also were notified. Comment letters of support and opposition, plus phone calls within TROD expressing support based on experience with TROD. Reviewed Planning Commission action. Noted that Ch. 25 states intent on TRODs, Ch. 26 governs, stipulate regulations.

Fesko: How decide on just two? **Weiche:** Move forward so BOS could consider. **Fesko:** Public opposition for other two? **Weiche:** Not particular to other two; owners were not at hearing. Approved for owners at meeting to advocate for it. **Fesko:** Ch. 26 has regulations on noise, traffic, and parking. **Weiche:** Ch. 26 has lots of regulations. All parking and property manager on site, or else compliance violation. No complaints on existing TRODs. **Corless:** If Planning Commission did not approve, decision would go to BOS?

Stacey Simon:

- Unique situation. Requires recommendation from Planning Commission, so worked hard to bring it forward. **Weiche** clarified that agreement could lead to recommendation to BOS.

PUBLIC COMMENT:

Applicant Pat Gale:

- First in cabin in 1962, first night in 2006. Clark Tract favorite place since forever. Reviewed his and wife's work in Mono County. Working at San Jose State now, want to come back. Rental would bring money to manager, cleaners, TOT to Mono. In snow conditions, upper Clark Tract different from lower tract. Traffic less than full-time residency.

Supervisor Alpers:

- Consider a permanent tenant? Couldn't come to Mono unless stay at hotel. 30-day rental would be fallback plan. Trying to do it legally, make money for Mono. Seasonal homeowners want to control who can stay in Gale's house. Spoken to adjacent 16 homes, no opposition.

Igor Vorobyoff:

- Isolated, geographically speaking. Impacts people right there. Some comments on road from half-mile away. Commissioner who opposed wouldn't want in his own backyard. Against TROD in general, not specific area. Consider this area, which has no opposition.

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Lee Vorobyoff:

- House built in 1982 by Blake Sibla, Clark grandchild. Only people down there, forever. Hooked up with snow removal as part of Clark Tract. Got to name her street, so isolated. All cabins behind motel owned by motel. Separate road goes down Nevada Street except with snow removal. Tract not part of upper. Why so opposed to small group of beautiful homes who need income? Expect renters in new TROD would be respectful, bring families. Find appalling that people from other areas tell what can/can't do when successful. Double Eagle has rentals. No problems.

Courtney Weiche showed comment letter sites, away from TROD area.

Patrick Hoefler:

- He and wife lived in Clark Tract seven years. Looked at TRODs as weeds – start to grow, just keep growing. Adjacent to existing TROD is how it grows. Upper Clark repairs Nevada Street. Dirt road repaired after Tom Cruise movie. Snow removal moneys collected from all. Bought in SFR zoning, but TRODs are creating individual commercial district in area. Experiment done by BOS/Mono that will fail in long run. Ch. 25: Processed same as land use redesignation. TROD called redistricting. Purpose of Ch. 25: Fighting illegal rentals for nine years, against TROD in draft form. Nothing ever changed. Additional unit rented takes revenue from legal transient rentals/motels. Spreads revenue around to different pockets. Problem for business owners if expansion continues. Majority of all landlords don't spend on property. New owners put more money into. Why BOS let people make money when existing businesses are going out of business? Had petition with many signatures against TRODs in community. Experiment does not work for stated purpose. Sell homes to people who can afford them, stop welfare.
- **Supervisor Fesko:** If someone lived full time with family of four, how affect life differently than weekly or monthly basis? Hoefler: Different mentality, not know or care about neighbors. Illegal rental had renter park in someone else's driveway, so unprepared. Spent two days in his driveway. People want to view upper tract.

Tony Fodera:

- If have no money, rent by night, can't afford to pay bills. Cars get stuck, can't get home; 12 people, five cars, playing on others' property. Can rent by month; don't change rules. Maybe sell if can't afford, buy what can afford.
- Supervisor Stump: Prior TROD hearing, fines upheld (\$5,000).

Lynda Biederman:

- Upper tract for 21 yr. So sick of this. The TROD system not designed to pit neighbor against neighbor, but its happening. Take care of each other. Applicant-driven process is turning people against each other. As Realtor, knows zoning is important to buyers – want SFR, not vacation rentals. During original discussions, repeatedly said Clark Tract inappropriate. Private roads, not well maintained. Get Clark eliminated from TROD. Gale addressed contiguous, unknown to most. Didn't know others had piggybacked. Now everything's based on contiguous. Nevada Street is part of Clark Tract, part of water system. Workforce housing in June Lake Area Plan: Entire housing section to need for workforce housing in June Lake. Includes section to change zoning of vacant land to have workforce housing. Please don't do this

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to Clark Tract.

Ross Biederman:

- Declaring separate entities within tract. Opposes concept of upper and lower. There is "The Clark Tract." No division. Explorers roam neighborhood. Facetious, silly to assume tourists have no effect on neighborhood. Money is powerful motivation for some. Want to preserve neighborhoods, love homes for solace, refuge, and quiet. Worrying about what's happening to neighborhood. TROD = cancer cell. June Lake Area Plan specifically and redundantly notes need for workforce housing. Converting homes to TRODs instead of long-term rentals. Notably different population group who rent. Please, don't convert neighborhoods to hotel districts. Planning Commission didn't adhere to parliamentary procedure in November. No motion to reconsider or rescind. Once motion made and passed, that's the end. Move to next item. Can't re-discuss. Read from Robert's Rules of Order: once vote happens, matter is settled.

Roxanna Fodera:

- Accepted responsibility of roads. Mono totally dismissed help. Now Mono making business district.

Jeff Ronci submitted letter via Lynda Biederman.

Ann Tozier:

- Applied for time off work to oppose. Sets precedent for entire tract. Quiet, residential district. People travel Nevada Street to visit.

Al Heinrich:

- Planning Commission needs more suitable rep for June Lake. Current does not attend CAC meetings. Planning Division deceived. No SFR included in proposal. TROD not working, Mammoth Lakes voted it down. Put to vote at June Lake? Creating residential controversy. Listed pros: Unknown. Con: Unrest, less revenue, safety, parking issues, degrading quality of life, signage, noise. Original CAC comments ignored by County. Morgan saw precedent to allow rentals. Neighborhoods not notified, nobody's being notified. Reconsider entire TROD process. See analysis of financial benefits to Mono.

Karl Seiberling, co-applicant for TROD.

- Moved to Mono City where lots of kids to play with. Update house at June Lake. No intention to become transient rental at this time. Geographic isolation on Nevada Street, 16 homes have no opposition. Having TRODs impacts his 50' x 108' lot greatly. California Street abandoned due to rock-face cliff. Distinct from rest of tract. End of street Whispering Pines transient rental, seasonal use at other end. Transient rentals done well, legally same as current use. People, dogs, kids on weekends useful. Think about street separately. Pay own maintenance, speed bumps. Good manager or bad manager of property. So far, people good managers.

Patti Henrich:

- Current CAC president, Clark Tract resident. Key words: 1) Clark Tract (never heard upper/lower, always one entity. 2) SFR neighborhood. At 2009 meeting of CAC, promises made. Whole premise of TROD has changed, hot topic at CAC. Pitting neighbors against each other, whether legally or illegally renting. Disappointed in Planning Commission. No decision is a decision. Quality of life a concern: rental zone area, no stop lights or stop signs, not lighting for safety. Do residents feel safe with transients coming/going? Devaluation of

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property. County resources: only one compliance officer, nobody ever satisfied with. How Mono ensure neighborhoods stay as such. Illegal renters fined, yet continue to rent anyway. How ensure money paid to Mono? Financial cost analysis vs. code cost. Hurting businesses. Decision may benefit a few, but at cost of entire neighborhood.

Valerie Gale, co-applicant:

- Whenever address people's homes, emotional topic, opinions vary. Reviewed all opposition letters. Many mentioned illegal rentals in upper tract. Not applicable to her neighborhood. What defines true neighborhood? No true definition. Legal requirement: Noticed neighbors within 300'; Mono expanded to 1,000'. Most vocal opposition outside that. Neighbors have parties together, look out for each other. Workforce housing: Can't afford to rent home as individuals, so group together within a home. That begs issues in terms of ownership/responsibility for those homes. More people, parties, other issues. Economy of June Lake? Opportunity for more families, more tourism-positive aspect.. Concerns about hotels. Very much transient renters, not families. Family interested in staying in a home may go elsewhere. Didn't want to talk about issues in past. Previous TROD not declined, but withdrawn. Current is annexation to previously approved TROD. Short drive to upper tract. Couple owned home on Nevada Street, second homeowners not know what goes on year round; less meaningful than full time.

Courtney Weiche:

- Clarified 2009 CAC reference. Completely different proposal to address regulating existing transient rentals in areas where already allowed. Quality of life ordinance. Not affect tract, not move forward. In 2012 when June Mountain closed, came up with Ch. 25-26, worked with CAC, Planning Commission. Much different environment.

Stacey Simon:

- Neither Planning Commission nor BOS required to follow Robert's Rules of Order (RRO). Planning Commission rules: "Failure to conform to RRO does not invalidate action taken." Moot point, not bound by RRO.

Scott Burns:

- Planning Commissioner at June Lake on original CAC, president of California County Planning Commissioners Association. Alpers personally asked Roberts to get off CAC – president of June Lake Chamber, CCPCA conference, business owner. He agreed to concentrate his time. Well engaged, veteran planning commissioner.

Supervisor Corless:

- Lizza was her appointment.

DISCUSSION:

Supervisor Alpers:

- Look at the big pic, scope down. Supervisors responsibility for strings-of-pearls communities with own realities. When zero in to June Lake, one of most beautiful places, fierce pride. Quick to defend values, very split on Rodeo Grounds. Folks pay attention to every issue. Expressed concern about splits in communities. Voted for barn at Black property, and next two as well. Spread density. Concern is that TROD at June Lake not sufficiently stress tested. Impacts on roads, infrastructure, pets. Normal year sound carries in both Down Canyon tracts. Not

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enough experience on impact of neighborhoods to evaluate. Private roads set stage for arguments. Wonderful families get along. When Oblivion movie folks came in, heard from 3-4 people by phone on Nevada Street, almost going to sue Mono, Double Eagle, CofC, and Alpers. Hung up. Extrapolating to more TRODs, hard to pull back once start approving. Other cities have problems with this. Maybe Mono does not have enough experience. Have monthly or year-round rentals available that allow options. Can't support moving forward with any more TRODs till get more information. Creating more problems; not stress tested.

- Thanked commenters for attending.

Supervisor Corless:

- Emerging issue, adapt, find solutions. Mammoth Lakes Measure Z divisive. Not solve today. Lack of consensus for approval from Planning Commission is significant. Crafted vote to raise to BOS to make decision. Road issues, define neighborhood. Supports Alpers. TRODs designed for needs of June Lake. If not working, reconsider. So much consensus among homeowners. Common vision on street. Can't support.
- Supported idea of joint workshop on TRODs with Planning Commission/BOS. Emotional, but remember talking land use issues. Avoid talking about "those people." Resort communities, so elevate to that level of quality of life around land issues.

Scott Burns:

- It's a redesignation. People can come in on full menu of land use designations. Environmental process sometimes involved. TRODs not change use of property. For SFR by Commercial district, only option available. Deed-restricted property. Another approach.
- Same Planning Commission frustration. Need future workshop on TRODs.

Supervisor Stump:

- Mammoth Lakes had issue of individual empowerment vs community empowerment. If not make process work, June Lake could push for Measure Z requiring vote of people. Mammoth spent \$50,000 on special election. Broad concern about process. Significant differences on definition of neighborhood. Even in Arizona transient rentals are hot topic. Includes area as part of neighborhood. Inclined to vote no now, but need further analysis. Not much support in his district. Condos across street from his SFR. Knew what was getting when bought. Conscious choices. View zoning as contract between zoning entity and property owner. Vote no.

Supervisor Johnston:

- Present when adopted ordinance in 2012. Thought an experiment. Experiment should be over. Looking at stress test. Continuum of divisiveness in community, with SFR defending against those who want to change it. Lives in SFR, locks doors when people doesn't know come during holidays. Changes neighborhood. Evidence of intrusion into neighborhood totally unacceptable. People have right to defend their community from wherever they reside, affects how interact, how community perceived. Real reaction to closure of June Mountain, pushing in direction of helping with bed count. Places in June Lake where TRODs suitable. Designate through zone change, not piecemeal TROD approach. Experiment's over, can't support.

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Makeup of people making TROD decisions changes over time, no consistency, no history. People relying on zoning subjected to political [changes].

Supervisor Fesko:

- Thanked all attendees for their input. Was running in 2012 when TRODs arose. As motel/RV park owner, wondered how it would affect him. Grew out of June Lake originally, but process is working. Rancheria applicant withdrew when neighbors voiced concerns. No doubt it's an experiment. Just because area has name, not part if outside boundary? BOS approved some TRODs. How would it grow? Where does it stop? Troubling. People close to losing homes in 2012, [TROD] was way to help save homes. Not sure it is now. Really concerned how it could grow. Believes in personal and property rights, but balance within neighborhood. Process has worked. Can't support.

Marshall Rudolph:

- Commission made recommendation, not decision.

Stacey Simon:

- Planning Commission recommended only two of four, so disapprove of four pending.

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

11. CLOSED SESSION

There was nothing to report out of closed session.

A. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: HR Director.

B. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Finance Director.

C. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Assistant Finance Director/Auditor-Controller.

D. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Counsel

E. Closed Session - Human Resources

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall

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Rudolph, John Vallejo, and Leslie Chapman. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

F. Conference with Legal Counsel

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. Number of potential cases: one.

THE AFTERNOON SESSION WILL RECONVENE AFTER CLOSED SESSION

12. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

13. REGULAR AGENDA - AFTERNOON

A. Simon Employment Agreement Amendment

Departments: BOS, CAO, County Counsel

(Marshall Rudolph) - Resolution approving an agreement and first amendment to agreement re employment of Stacey Simon and prescribing the compensation, appointment, and conditions of said employment.

Action: Adopt Resolution R15-82, approving an agreement and first amendment to agreement re employment of Stacey Simon and prescribing the compensation, appointment, and conditions of said employment.

Fesko moved; Corless seconded

Vote: 5 yes; 0 no

R15-82

Marshall Rudolph:

- Noted vacancy due to his move to Inyo County. Excellent staff, Stacey 16 years all way from intern as law student. Already has powers/duties principal has. Not necessary, but appropriate. Become acting county counsel, not permanent yet. Test drive with compensation adjusted. BOS could make permanent. Particulars spelled out in staff report.

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Stacey Simon:

- Appreciates BOS willingness to allow continuity, important for all staff to maintain stability during interim. This will give everyone time to see if this is the best arrangement for BOS and for her.

B. 2015 Mono County Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates, and Final Environmental Impact Report

Departments: Community Development

(Wendy Sugimura, Brent Calloway, Sandra Bauer) - Public Hearing on the 2015 Mono County Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates and Repeal of the Conway Ranch Specific Plan, and Final Environmental Impact Report. Below is a link to the Project Documents which are too large to attach to the agenda:

<http://monocounty.ca.gov/planning/page/mono-county-general-plan-update>. This page contains a link to the FEIR. All documents may also be obtained on CD or in hardcopy, upon request, at the Community Development Department Office in Mammoth Lakes.

Action: 1. Adopt Resolution R15-83 certifying the Final EIR for the 2015 Mono County Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates (the "2015 Updates"); approving and adopting the Mitigation Monitoring and Reporting Plan, and adopting the 2015 Updates (except Noise Ordinance) and repealing the Conway Ranch Specific Plan.

2. Introduce, read title, and waive further reading of Ordinance ORD15-___, Amending Chapter 10.16 of the Mono County Code Pertaining to Noise Regulation;

3. Direct staff to make administrative edits and corrections as necessary; and

4. Direct staff to file the Notice of Determination and pay California Department of Fish & Wildlife filing fees.

Corless moved; Alpers seconded

Vote: 5 yes; 0 no

R15-83

M15-245

RPACs commended staff for late nights, long discussions.

Scott Burns:

- State law requires comprehensive update of General Plan. Last time was 2000, with subsequent annual tweaks. Underway five years. Dated language, EIR stale. Update coincided with general fund impacts that got grant funding to update General Plan. Lots of controversy in past updates. Land use designation change only for Conway Ranch. New laws with new requirements to address. Sustainable communities planning grant might delay Housing Element update. Hope to further streamline with fresh EIR. Threatened listing of sage grouse allowed focus on biological

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assessments and Greenhouse Gas (GHG). Integrates past planning efforts. Done as team effort focused at staff level, with long-term consultants.

Wendy Sugimura:

- Tony Dublino helped write grant as well. Workshop Sept. 15 for BOS, so not need to review. Focus on public comments, policy issues, and errata sheet. Four parts: 1) General Plan Update, including all elements; 2) Integrated Waste Management Plan; 3) Noise Ordinance; and 4) repeal of Conway Ranch Specific Plan.

Agency comments focused on biological resources, water quality/supply, and RTP.

- **Cal Fire:** Policy issues from Planning Commission:
- Energy policies to BOS, discourage large-scale energy projects. Most occur on public land, so need reasons why not in favor. Be clearer, more authoritative.
- **Rodeo Grounds:** Should be memorialized that base would be part of development. In 2013, concept to have development on that side of highway.
- **OHV management:** Planning Commission wanted to encourage agencies to manage land to minimize user conflicts.
- **Opening passes:** Base on road conditions, not calendar date. Planning Commission no action on Net Zero Energy. Incentivize vs. making regulatory issue.
- **Dark Sky Regulations:** Extension to include Antelope Valley should be community-based discussion.
- **Heavy-equipment storage:** On parcels > 5 acres created light industrial use, not residential neighborhood. Planning Commission not revisit.
- **Extended home occupation:** Create more commercial feeling. Permit must be consistent with land use designation. Not revisit.
- **TRODs:** Workshop separate from update today.

Errata:

- Relate to RTP. US 6 not interstate truck traffic.

Supervisor Stump:

- If not designate it as truck route, need some language that truck traffic likely to increase due to development in Nevada. Need policy backup for ourselves. Expanded shoulders on US 6. Speed limit adjustment in Chalfant quashed by Caltrans headquarters. Page 26-27: Reword: "Increased levels of truck traffic on **state** highways are ~~is a perceived~~ safety concern." Fix also on page 4.2-9. Revisit now that District 9 is disconnected from Fresno.
- Add policy to use self-weathering steel finish.
- Deadline to adopt RTP? Before Dec. 15.

Sandra Bauer, consultant:

- Work began halfway through process. Scoping meeting with CDFW and MWTC. Comments used to shape scope and content of EIR. Added extra comment time, got 14 constructive comment letters. Air Control offered clarifications on particulate matter. CDFW's three comments included domestic sheep endangering bighorn sheep. Significant impacts were presented, as well as alternatives.

OPEN PUBLIC HEARING. None either site. **CLOSE PUBLIC HEARING.**

Note

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Supervisor Johnston:

- Land Use Element 2-79 13.H.1C. Why community infrastructure?
- Maybe say on approved development areas, not developing new project on USFS land.
- In land adjustment: Talks about Inyo County. Make sure Inyo not made in Mono's General Plan. Add cover sheet that says no authority over other agencies.
- Land Use 2.76 under June Lake: 13A.03. Not do now.
- Net zero energy: County could say today net zero energy. Set goals, establish framework. Actually say it, set a time. Suggested Mono goal: Net zero energy by 2030. Actually do something, take lead. Net zero means energy independent.
- Told Caltrans what to do, told BLM also. Oppose commercial-scale renewable projects throughout Mono on any lands.
- OHV proliferation long-term, significant negative impact to feet-first environment. Most come to hike or other non-motorized recreation. Plenty of places in West where it's happening, few places where it's not. Mono could be special, different, unique. If OHV involved, displaces all other uses. Declare Mono is feet-first county, no longer promote OHV. Big question dependent on environmental ethic, vision for what Mono could be.
- Heavy commercial uses: Mistake, a zone change with illegal uses on property. Antelope Valley community wants it, so Fesko supports it.

Scott Burns:

- Make sure USFS aware of community service demands.
- If land on USFS goes into private ownership, whole local planning process. If by permit on USFS, planning process gets cut out. Invite us in on building; planning on USFS land preempted. Make sure June Mountain takes into account how it impacts community.
- Adds protection that only permitted when neighborhood supported.
- BOS interpreted what neighborhood meant.

Supervisor Stump:

- If June Mountain were to expand, wouldn't Mono review plans for buildings even though permit to operate on USFS land? Not permit rapid expansion of a facility. Mono to do assessment at some point?
- Don't create policy that policy development could be opposed.
- Definition of neighborhood was problem.
- Every opportunity to achieve energy independence is Mono's goal, progressively moving toward net zero energy.
- Not clear picture, not know today is day to develop that. Questions about what would look like. Discuss separately in further detail.
- Extract even if means General Plan Amendment in 2016.
- Heard complaints about commercial equipment parking not for on-site use. Philosophical problem with one-size-fits-all concept. Not willing to insert something that's not a major community issue.

Wendy Sugimura:

- No land use planning authority on USFS land, but review, make sure done to code.
- Work with USFS to ensure activity on National Forest lands.
- Issue continued to evolve. CAC came up with language.
- Pull policies if TROD redone.
- Highlights as part of June Lake community's concern. Already part of

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policy.

- Proactive policies in alternatives, so expand to include net zero energy. Include concept
- Oppose commercial scale; e.g., larger than 3 mw, on non-County public lands (eliminate qualifiers following).
- Modifications include errata sheet, info on truck traffic, policy of self-weatherizing steel on transportation projects; replace new development with activities. No jurisdiction over Inyo County.

Supervisor Fesko:

- Want USFS to work with Mono. Ensure new/expanding development.
- Take out June Lake so applies anywhere. Consistent with what have today.
- Commenters thanked for attending hearing.
- Look at where OHVs go, hike elsewhere. Various amount of activities, not really overlap. Happy with policy 5A.

Supervisor Corless:

- Don't change it on the fly.
- Issue for another General Plan update, add recreation element. Have trails plan, which mentions OHV use, also area plans. People disagree at places in county. Need to vet it.

Supervisor Alpers:

- 15 years unrealistic. If encourage, need to incentivize.
- Vast areas of thousands of square miles where not go on foot.
- Discuss marketing.

C. ESTA Board Member Vacancy

Departments: Board of Supervisors, County Counsel

(Marshall Rudolph) - Discussion and possible action regarding filling of current vacancy on the governing board of Eastern Sierra Transit Authority (ESTA), to which the Mono County Board of Supervisors may appoint any member of the public at large. Note that the ability to appoint a member of the public to the ESTA board is the result of a recent amendment to the ESTA joint powers agreement.

Action: None.

Marshall Rudolph:

- Provided follow-up to fill two allotted slots, can appoint public member at large. Board suggested they advertise vacancy to RPACs, commissions, newspapers, etc. through January.

ADJOURN AT 4:22 p.m. in memory of Douglas Butler, Bob Tanner, and 14 victims of San Bernardino shooting.

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ATTEST

TIMOTHY E. FESKO
CHAIRMAN

CD RITTER
TEMPORARY DEPUTY CLERK OF THE BOARD

FURTHER REVIEW/EDIT:

SHANNON KENDALL
ASSISTANT CLERK OF THE BOARD

HELEN NUNN
SR. DEPUTY CLERK OF THE BOARD



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

TIME REQUIRED

SUBJECT Board Minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Approve minutes of the Regular Meeting held on December 15, 2015.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[12-15-15 draft mins](#)

History

Time	Who	Approval
12/29/2015 12:11 PM	County Administrative Office	Yes
12/29/2015 11:11 AM	County Counsel	Yes
12/29/2015 11:54 AM	Finance	Yes



DRAFT MEETING MINUTES
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA

Regular Meetings: The First, Second, and Third Tuesday of each month. Location of meeting is specified just below.

MEETING LOCATION Mammoth Lakes BOS Meeting Room, 3rd Fl. Sierra Center Mall, Suite 307, 452 Old Mammoth Rd., Mammoth Lakes, CA 93546

Regular Meeting
December 15, 2015

Flash Drive	On portable recorder
Minute Orders	M15-246 to M15-254
Resolutions	R15-84 to R15-85
Ordinance	ORD15-09

9:00 AM Meeting called to Order by Chairman Fesko

Supervisors present: Alpers, Corless, Fesko, Johnston and Stump.
Supervisors absent: None.

Break: 10:00 a.m.
Reconvene: 10:10 a.m.
Closed Session: 1: 10 p.m.
Adjourn: 2:58 p.m.

The Mono County Board of Supervisors stream all of their meetings live on the internet and archives them afterward. To listen to any meetings from June 2, 2015 forward, please go to the following link:

<http://www.monocounty.ca.gov/meetings>

Pledge of Allegiance led by Supervisor Alpers.

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Carl Teller (Chevron):

- Here to discuss the power outage from this past weekend.
- Wants this as a discussion item sometime in the near future – to discuss working cooperatively with the Board.
- Outage lasted from 1:00 to 4:00 p.m. on Sunday.
- There was very minimal gas available in Mono County.

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- Board agrees for a future agenda item.
- He will leave a business card.

2. APPROVAL OF MINUTES - NONE

3. RECOGNITIONS

A. Resolution – Phil Touchstone Retirement

Departments: Public Works

(Garrett Higerd; Board of Supervisors) - Presentation of Recognition/Appreciation for Phil Touchstone, retiring December 30, 2015.

Action: Approve Resolution of Recognition for Phil Touchstone.

Johnston moved; Corless seconded

Vote: 5 yes; 0 no

M15-246

Garrett Higerd:

- Thanked Phil for his service to the Public Works Department; he's been really competent and a great employee.

Supervisor Johnston:

- Mentioned how important the work that Phil has done; his work often goes unrecognized.

Supervisor Fesko:

- Thanked Phil.

Supervisor Stump:

- Read and presented resolution.

B. Resolution - Cathy Touchstone Retirement

Departments: Social Services

(Kathy Peterson; Board of Supervisors) - Presentation of Recognition/Appreciation for Cathy Touchstone, retiring December 30, 2015.

Action: Approve Resolution of Recognition for Cathy Touchstone.

Corless moved; Stump seconded

Vote: 5 yes; 0 no

M15-247

Kathy Peterson:

- Read a note of appreciation to Cathy from the Social Services Department.

Supervisor Corless:

- Read and presented resolution.

C. Resolution - Roberta Reed Retirement

Departments: Finance

(Leslie Chapman; Board of Supervisors) - Presentation of

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Recognition/Appreciation for Roberta Reed, retiring December 30, 2015.

Action: Approve Resolution of Recognition for Roberta Reed.

Alpers moved; Stump seconded

Vote: 5 yes; 0 no

M15-248

Leslie Chapman:

- Spoke of Roberta's remarkable work ethic.
- Thanked her for her service to the county.

Supervisor Alpers:

- Thanked Roberta for her work.
- Mentioned how missed she will be.

Supervisor Stump:

- Spoke about the service that she provided.

Supervisor Fesko:

- Thanked Roberta; her eye to detail is unsurpassed.

Supervisor Johnston:

- Read and presented resolution.

D. Resolution - John-Carl Vallejo

Departments: CAO

(Leslie Chapman; Board of Supervisors) - Presentation of Recognition/Appreciation for John-Carl Vallejo.

Action: Approve Resolution of Recognition for John-Carl Vallejo.

Johnston moved; Alpers seconded

Vote: 5 yes; 0 no

M15-249

Supervisor Alpers:

- Thanked John for his service.

Supervisor Johnston:

- Read and presented resolution.

Stacey Simon:

- Gave some history on the resolutions that were created for both John Vallejo and Marshall Rudolph.
- Explained the humorous nature of these resolutions.

Marshall Rudolph:

- Hiring John was one of the best things he's ever done; he is appreciative that John will be working by his side in Inyo County.

E. Resolution - Marshall Rudolph

(Leslie Chapman; Board of Supervisors) - Presentation of Recognition/Appreciation for Marshall Rudolph.

Action: Approve Resolution of Recognition for Marshall Rudolph.

Alpers moved; Fesko seconded

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Vote: 5 yes; 0 no

M15-250

Supervisor Fesko:

- Read and presented resolution.
- He echoes what everyone else has said.
- Thanked him.

Stacey Simon:

- Spoke a few words about Marshall and her experience working with him.

Supervisor Alpers:

- Told story of when Marshall was first hired.

Supervisor Johnston:

- Marshall has always been a solid rock for all county employees to turn to.

Supervisor Corless:

- Thanked Marshall and entire County Counsel's office for their patience when she first started.

Marshall Rudolph:

- He's forever grateful to Mono County to hiring him when he was so young.
- It's been an honor and a privilege to work with Mono County.
- Especially thanked Stacey Simon, couldn't have done it without her.

4. BOARD MEMBER REPORTS

Supervisor Alpers:

- Employee Christmas party was the finest one he's attended. It was fantastic.
- All jurisdictions (federal, state, county, etc.) are all fighting same issues (budgets, revenues, etc): he's sad to report that the Chairman of the June Lake PUD was unceremoniously presented with a recall petition last Wednesday night. Upsetting because a lot of people in and out of that community have done everything to promote good will. Sees this as a move back to the decisive actions. No good deed goes unpunished. Very unfortunate – in this day and age we have cell phones, etc. and it doesn't appear as if any of this was used prior to the Chairman being served with petition.
- This coming Thursday PUC meeting in San Francisco. He was hoping he could be there to testify but he cannot attend due to surgery. Any assistance that can be given to Nate Greenberg will be appreciated.

Supervisor Corless:

- Great county holiday party—many thanks to organizers and all who participated.
- June Mountain opening day Saturday—best in years, over 800 skiers and riders.
- Monday: Customer service training session with Murray Banks, part of the grant-funded Peak Performance program, thanks to our economic development staff and Mammoth Lakes Chamber of Commerce.
- Would like to work to refine next year's legislative platform.
- Working on next county newsletter, please send items, deadline Thursday.
- ESCOG and town-county liaison committee this week.
- Sharing a copy of "Calliope," a journal of art by students of Mono County,

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produced by the Office of Education. She's happy to serve on the board of the Mono Arts Council, which provides free art education to students throughout the county.

Supervisor Fesko:

- 12/9 – RCRC Board of Directors meeting in Sacramento. Quiet over there right now because the legislation is out of session right now.
- 12/10 – attended the Environmental Services JPA, also in Sacramento. AB 1063
- 12/11 – attended Special meeting of Alpine BOS in Markleeville.
- 12/12 – post happy birthday to his sister, Susan Tharan.
- 12/14 – attended LTC.
- 12/23 – shout out to oldest brother Mike Fesko's birthday.

Supervisor Johnston:

- Attended the Local Transportation Commission meeting on Dec 14th. Items considered included the Regional Transportation Improvement Plan; discussion included the fact that the State has very limited transportation funding and projects are likely to be postponed. The Regional Transportation Plan was also adopted. Additionally, amended the Overall Work Program; there were some changes to the Rural Planning and Planning Programing and Monitoring Work Programs. There was a transit update by ESTA; they noted the huge Thanksgiving transportation impacts with ridership up as much as 150% in the Town.
- Reported that the "Fixing America Surface Transportation" (FAST) Act was finally passed by the federal government. It includes an average of \$56.2 billion over five years, which is about 20.2 billion over the previous "MAP 21" highway legislation. Bridge funding was also included as well as a pilot program for CEQA/NEPA "reciprocity".
- Will be attending the upcoming Town-County Liaison Committee meeting and the Eastern Sierra Council of Governments meeting this week.

Supervisor Stump:

- 12-9: Attended the County Party - Of the three I have been to this was the best.
- 12-9: Attended a joint meeting of the Tri Valley Water Commission and the Inyo County Water Department to take public comment on potentially splitting the Tri Valley portion of the contiguous Owens Valley Water Basin. Primary concerns expressed were for the environmental health of Fish Slough.
- 12-10: Attended the Planning Commission Meeting - The reconfiguration and clean up of the County Community Center Property Site Plan in Crowley was approved and included room for a skate park.
- 12-14: Attended the Local Transportation Commission Meeting: Regional Transportation Plan and Regional Transportation Improvement Program were approved.

5. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments
Receive brief oral report by County Administrative Officer (CAO) regarding work activities.

Leslie Chapman:

- Mentioned Employee Christmas party, it was a huge success.

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- Continues to try to meet with different staff people and Department Heads to understand issues and provide support where needed.
- Yesterday – had opportunity to meet with Sgt. Seth Clark in Crowley Substation to begin to understand what her role would be should we have a countywide emergency; will also attend some training in February.
- She's going to be firing back up the coffee with the CAO.

6. DEPARTMENT/COMMISSION REPORTS

Ingrid Braun (Sheriff):

- Spoke of February training in SLO with Leslie Chapman.
- Shop a Cop in Bishop. A lot of law enforcement involved. Kids had fun, special thanks to Santa.
- Power Outage on Sunday: transformer blew somewhere near Mammoth Mountain. There were at least five cars that rolled over. People need to slow down.

Nate Greenberg:

- Power outage – affected various county offices. Generator issues still being resolved. We should be in a much better place after this week and on “redundant power”.
- County phone system also had some issues yesterday; resolved.
- He will be travelling to San Francisco tomorrow to make public comment at CPUC on Thursday; they are reissuing a resolution minus Lee Vining.

7. CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

A. Hiring Freeze Variance - Admin Services Specialist

Departments: Sheriff

Effective November 20, 2015, our Administrative Services Specialist resigned to accept a position in another state. This position also has an ancillary function of Public Information Officer. This position is an essential function of the daily operations of the Sheriff's Office, and we do not have any other administrative personnel who can assume the responsibilities of this position.

Action: Approve a variance of the hiring freeze to allow the Mono County Sheriff's Office to recruit and hire one Administrative Services Specialist.

Johnston moved; Corless seconded

Vote: 5 yes; 0 no

M15-251

B. Hiring Freeze Variance - PSO

Departments: Sheriff

Effective October 20, 2015, a Public Safety Officer resigned to accept a position with the California Highway Patrol. Our Public Safety Officers serve both as Dispatchers and Jailers and are essential to

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maintaining the safe and secure operation of the Mono County Jail and providing emergency dispatch services to Mono County.

Action: Approve a variance of the hiring freeze to allow the Mono County Sheriff's Office to recruit and hire one Public Safety Officer.

Johnston moved; Corless seconded

Vote: 5 yes; 0 no

M15-252

C. Resolution Authorizing the MCDA to Participate in the Edward/Byrne JAG Grant

Departments: District Attorney

Resolution authorizing the MCDA to participate in the Edward/Byrne Memorial Justice Assistance Grant Program and authorize the District Attorney to sign for and administer the grant.

Action: Adopt proposed resolution #R15-84, authorizing the Mono County District Attorney's Office to Participate in the Edwards Memorial Justice Assistance Grant Program and Authorize the District Attorney to Sign for and Administer the Grant.

Johnston moved; Corless seconded

Vote: 5 yes; 0 no

R15-84

D. Fish and Game Fine Fund Expenditure

Departments: Economic Development

On Friday, November 13, 2015, the Mono County Fisheries Commission approved a \$4,000.00 expenditure from the Fish and Game Fine Fund to help support the "Trout in the Classroom" educational program. Through a classroom experience of hatching live fish, "Trout in the Classroom" introduces students to the value of aquatic environments, the balance that must be met to maintain, protect and enhance California's fisheries and aquatic habitats, and enables students to understand how their actions affect these valuable resources. Teachers and their students set up an aquarium in the classroom, receive fish eggs under a special CDFW permit, and observe the fish as they hatch and develop. The experience may culminate in a field trip to a local stream or river where the fish are released. This is a hands-on, interdisciplinary project for grades K-12. If approved, this money will be used to sponsor the "Trout in the Classroom" program throughout local schools in Mono County.

Action: The Board consider and approve the recommendation by the Mono County Fisheries Commission to allocate \$4,000.00 from the Fish and Game Fine Fund to support the "Trout in the Classroom program." This action is permissible use of the Fish and Game Fine Fund money per the Fish and Game Code Section Section 13103(a).

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Expenditures from the fish and wildlife propagation fund of any county may be made only for the following purposes: (a) Public education relating to the scientific principles of fish and wildlife conservation, consisting of supervised formal instruction carried out pursuant to a planned curriculum and aids to education such as literature, audio and video recordings, training models, and nature study facilities.

Alpers moved; Stump seconded

Vote: 5 yes; 0 no

M15-253

Pulled by Supervisor Alpers:

- Asked for clarification on what money is being spent on.

Jeff Simpson:

- Explained the funding request more fully.

E. Letter to Town Council and Mammoth Lakes Housing

Departments: CAO

Letter to inform the Town Council and Mammoth Lakes Housing Board of Directors about citizen concerns around deed restricted properties in the Town of Mammoth Lakes.

Action: None.

Pulled by Supervisor Corless:

- In the spirit of cooperation, wants to omit some of the language.
- Went over proposed changes.
- Disagrees with Supervisor Stump.
- She wants to distance this Board as far as possible from false statements previously made about property values.

Supervisor Stump:

- Feels first bullet point should stand as-is but agrees with her other suggested changes.
- If additional language needs to be added that equivalent, that's acceptable to him.

Supervisor Johnston:

- He has to abstain because the letter is more or less getting written to him.

Supervisor Alpers:

- Agrees with Supervisor Corless.

Supervisor Fesko:

- He needs to see a revised letter before he moves on it at all.

F. Ordinance Updating Chapter 10.16 Noise Regulation of the Mono County Code

Departments: Community Development

Proposed ordinance ORD15-09 amending Chapter 10.16 of the Mono County Code pertaining to Noise Regulation.

Action: Find that the action is analyzed in the certified Final Environmental Impact Report on the 2015 Mono County Regional Transportation Plan, General Plan, Countywide Integrated Waste

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Management Plan, and Noise Ordinance Updates (2015 Updates); and adopt Ordinance ORD15-09 which makes clarifying and consistency changes to the existing noise ordinance.

Johnston moved; Corless seconded

Vote: 5 yes; 0 no

ORD15-09

8. CORRESPONDENCE RECEIVED (INFORMATIONAL) - NONE

All items listed are located in the Office of the Clerk of the Board, and are available for review.

9. REGULAR AGENDA - MORNING

A. ESAAA Four Year Plan

Departments: Social Services

(Kathy Peterson, Mono County Social Services and Jean Turner, Director of ESAAA and Inyo County HHS) - Presentation by Kathy Peterson and Jean Turner regarding Eastern Sierra Area Agency on Aging Four Year Plan process and timelines.

Action: None.

Kathy Peterson:

- Thought it would be a good idea to have Jean come here and give an update to the board.
- Gave a little background information.

Jean Turner, Director of ESAAA and Inyo County HHS:

- Thanked Board and Kathy Peterson for the working relationship.
- Handout (CDA Allocation by Category)
- Gave snapshot of funding.
- Needs Assessment has just been completed and is being tallied.
- Asked for any questions she can take to her board.

Supervisor Stump:

- Asked various questions.
- Requested additional information from Jean at some point.
- Asked that Board do all they can to obtain Bishop kitchen.
- Closing of Southern Inyo Hospital raises health concerns – any comments on this?

Supervisor Fesko:

- Thanked Jean for what she does.
- There has been a good collaboration.

B. Transient Occupancy Tax Research Report

Departments: Economic Development

(Jeff Simpson/Alicia Vennos) - Receive presentation on current California and Nevada Transient Occupancy Tax (TOT) and Tourism Business Improvement Districts (TBID) rates at local and regional levels.

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Action: None.

Jeff Simpson:

Power point:

- History
- Surrounding Areas
- California Destinations
- Nevada Destinations
- California TBID
- TBID Pros
- TBID Cons
- Handout of all 95 TBIDS throughout the State (post to web).
- Conclusion

Supervisor Stump:

- One of complaints is that there is no governmental oversight.
- One of the ideas coming out of EMS Ad Hoc Committee meetings to increase revenue is TOT increase.

Supervisor Fesko:

- He's also in lodging business – an increase in TOT or TBID doesn't increase business cost, it's a cost to the customer.

Supervisor Johnston:

- Asked why this topic is before the Board?
- On TBID/Non-Profit, can you tell us makeup of board in Mammoth?
- There are 95 of these TBIDS – something must be working.
- The EDD Department has a pulse on what Mono County businesses are interested in.

Bill Bramlette (Benton Hot Springs):

- His business is not in Mammoth, they have a very remote situation.
- Shares some of same concerns as Supervisor Stump.
- We probably have more control of TBIDS if they are part of county process.

Supervisor Alpers:

- He thinks the non-profits work; he feels the accountability is there.

Supervisor Corless:

- Thanked them for information; thinks Mono County needs to be thinking about this in the future.
- May need to take a step back and ask and answer some questions. We need to figure out what we want. We need a plan and use processes we have available to us.

C. Temporary Chief Information Security Officer

Departments: Information Technology

(Nate Greenberg) - Establish and retain (on a temporary, part-time basis) the position of Chief Information Security Officer.

Action: 1. Adopt resolution #R15-85, authorizing the CAO to amend the County of Mono list of allocated positions to reflect the addition of a Chief Information Security Officer, and approving an exception to the 180-day wait period to appoint Gary Coverdale into this position as a part-time retired annuitant employee. 2. Amend the 2015-16 Board Approved budget to

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decrease contingencies by \$20,000 and increase salaries in the Information Technology budget by \$20,000 (4/5ths vote required).

Alpers moved; Johnson seconded

Vote: 5 yes; 0 no

R15-85

M15-254

Nate Greenberg:

- Item before Board is to request contingency funds as well as allocation change to bring on a Chief Security Officer.
- There are several things driving this request.
- There has been a concern about personal security, etc. by the Board; asked IT to look at this.
- They currently do not have security specialty on their staff.
- Spoke about individual they have in mind for this position.
- The \$20,000 would cover him for ¼ time.

Leslie Chapman:

- Contingency is about \$300,000.

John Vallejo:

- John explained that the resolution and all the various whereas clauses address the CalPERS issues.
- We've allowed other counties to take the lead and we've followed with our resolution.
- Built into this process is notifying CalPERS that we're doing this. We won't put anyone into a position where anyone's retirement would be jeopardized.
- Staff report is an attachment to the resolution – needs to be included.
- This is a special type of employee. Employment can cease at county's pleasure.

Supervisor Stump:

- How do we get around CalPERS issues?

Supervisor Fesko:

- Asked Nate to explain the hourly rate, etc.
- This is temporary vs. contract?
- It's important that we do what we can security wise, he supports this.

Supervisor Johnston:

- This is something he can support.

Marshall Rudolph:

- This wouldn't satisfy an independent contractor position.

D. Medical Marijuana Workshop

Departments: CAO, County Counsel, DA, Sheriff, Health, Community Development

(Leslie Chapman, Christy Milovich, Tim Kendall Ingrid Braun, Lynda Salcido, Louis Molina, Scott Burns) - Medical Marijuana Workshop.

Action: None.

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Christy Milovich:

- Goal for her is to provide board with overview of new medical marijuana legislation.

Using CSAC's powerpoint presentation

- Core County Policy Principles
- 2015 Medical Marijuana Legislative Package
- Long Twisty Road to get to a Legislative Package
- Key Aspects of Package – local control provisions, licensing scheme
- Local rules supersede the State
- Dual Licensing
- Locals Go First for Cultivation
- Mobile Deliveries
- Local Role in Enforcement
- Employer Restrictions of Medical Marijuana Use
- Transportation Standards
- Other Aspects of Legislative Package
- Regulatory Efforts
- Key Elements
- The Saga Continues – didn't pass: Cultivation Tax, State Banking, Ballot Measures
- Key Takeaways

Marshall Rudolph:

- If you have a drug free workplace, that's what you have. This is what Mono County has.
- Even if you want to see what the State does, there is an opportunity to carve loopholes. Board could do an express ban. Something to think about. Otherwise you're sitting on the permissive zoning arguments.

Sheriff Braun:

- Is not in favor of mobile dispensaries – invites crime in her opinion.
- Explained she and the D.A. are of the same mind on this, will let him speak to this.
- Caretakers are able now, legally, to deliver marijuana to patients.
- The Town did pass an ordinance prohibiting mobile deliveries.
- There is still a lot of work to be done; making decisions to day would be putting the cart before the horse.

Supervisor Stump:

- Concerned about mobile deliveries, they aren't available now. Should they be?
- Asked about the consequences to local enforcement?
- If there is any indication that March 1st is hard and firm, the Board needs to know right away.
- Asked County Counsel to get more information on safety issues, etc. in our county regarding mobile deliveries.

Supervisor Fesko:

- Spoke to issue of this being a cash business.
- If patients are at a point in their life where they can't drive, they may need it brought to them.
- He understood that "caregivers" were growers that then delivered to patients.
- The March 1st deadline is what pushed this item – that date is off the

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table now. This was a good first discussion; he's not personally willing to make any decisions today. There is still a lot of work to be done by the State.

- There will be no licensing with the State for at least two years.

Supervisor Corless:

- Did the Town just pass an ordinance prohibiting mobile deliveries?
- Safety and mobile deliveries: is there evidence that crime has increased in counties that allow these? Or how much it's costing?

District Attorney Kendall:

- He thinks a lot of these issues being addressed by Board can be clarified.
- He thinks the Board's concerns can be worked around.
- His concern is from a safety, enforcement and environmental aspect.
- Even though this legislature forms enforcement in the state, it will fall to local law enforcement.
- What will the Board do to help locally enforce this?
- Feels these new laws will be a tremendous burden on local law enforcement.
- This only addresses commercial aspect, not recreational.
- If county does nothing, then county will get tasked to follow state law. If county chooses to enact ordinance that proposes some regulation, there will still be some regulation; if the board restricts grows locally, it's easier to enforce, more black and white.
- This new legislation will not change law for current medical marijuana patients. Anything Board does is not going to affect access of medical marijuana.
- The March 1st date IS in the law now; it's supposed to be taken off the table. He'd hate for the Board to do nothing IF that date remains valid.

Supervisor Johnston:

- What would happen with legal grows? Would it reduce the illegal grows?
- Should we wait to see what happens on the initiative before having the Board making any decisions?

Bill Bramlette (Benton Hot Springs):

- It appears there is a grow going on immediately adjacent to his property.
- He's trying to get as much information as possible to make future decisions.

Scott Burns:

- Prohibition zoning definition is currently a little fuzzy.

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD
No one spoke.

11. CLOSED SESSION
There was nothing to report out of closed session.

A. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: HR

Note

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Director.

B. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Finance Director.

C. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Counsel

D. Closed Session--Human Resources

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph, John Vallejo, and Leslie Chapman. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

E. Closed Session – Conference with Real Property Negotiators

CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: APNs 008-111-012-000 and 008-111-013-000. Agency negotiator: Garrett Higerd. Negotiating parties: Mono County and Ventura Hotel corporation, and Nelle Price, L&Adams, L& J Sur. Tr. et al. Under negotiation: price and terms of payment.

ADJOURN: 2:58 p.m.

ATTEST

TIMOTHY E. FESKO
CHAIRMAN

SHANNON KENDALL
ASSISTANT CLERK OF THE BOARD

Note

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Board of Supervisors

TIME REQUIRED 10 minutes

PERSONS APPEARING BEFORE THE BOARD Chairman Fesko

SUBJECT Certificate of Appreciation for Lynda Salcido

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Certificate of appreciation for Lynda Salcido for her role as Interim CAO.

RECOMMENDED ACTION:

Approve certificate of appreciation for Lynda Salcido.

FISCAL IMPACT:

None.

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR **PRIOR TO 5:00 P.M. ON THE FRIDAY 32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Certificate</p>
--

History

Time

Who

Approval

*MONO COUNTY BOARD OF SUPERVISORS
CERTIFICATE OF APPRECIATION*

*Presented to:
LYNDA SALLCIDO*

*In sincere appreciation for her dedication and service as
Interim CAO between May 12, 2015 and November 4, 2015*

Larry Johnston, Supervisor District #1

Fred Stump, Supervisor District #2

Tim Alpers, Supervisor District #3

Timothy Fesko, Supervisor District #4

Stacy Corless, Supervisor District #5

December 8, 2015





OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Public Works

TIME REQUIRED 10 minutes

PERSONS Jeff Walters

SUBJECT Resolution in Appreciation - Major
Road Rehabilitation Projects in Mono
County

**APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Recent road rehabilitation projects throughout Mono County have been completed. County staff, various consultants and contractors, the June Lake Citizens Advisory Committee, the Long Valley and Chalfant RPACs, the Mono County Planning Commission, the Local Transportation Commission and the Board of Supervisors contributed to the successful completion of these projects.

RECOMMENDED ACTION:

Approve Resolution in Appreciation of Contributions Made to the Accomplishment of Major Road Rehabilitation Projects in Mono County.

FISCAL IMPACT:

None.

CONTACT NAME: Jeff Walters

PHONE/EMAIL: 760 932 5459 / jwalters@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
**PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[RESOLUTION](#)

History

Time	Who	Approval
12/24/2015 10:34 AM	County Administrative Office	Yes
12/29/2015 11:31 AM	County Counsel	Yes
12/28/2015 11:33 AM	Finance	Yes



**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF MONO
IN APPRECIATION OF CONTRIBUTIONS MADE TO THE
ACCOMPLISHMENT OF MAJOR ROAD
REHABILITATION PROJECTS IN MONO COUNTY**

WHEREAS, in his role as Assistant Public Works Director, Garrett Higerd has become proficient at applying for, securing and managing a variety of funding sources for priority road projects; and

WHEREAS, during the 2014 and 2015 construction seasons, the results of Garrett's efforts have become apparent via completion of the Chalfant streets, June Lake Streets, Rock Creek Road and Convict lake Road rehabilitation projects; and

WHEREAS, as project manager, Garret tapped a network of local resources to navigate the complex field of requirements and regulations to deliver these priority road projects, with key County resources including Kelly Garcia (grant applications), Stacey Simon (legal), Gerry Le Francois (environmental), Phil Touchstone (inspections), Paul Roten (trouble-shooting), Walt Lehman (easements), Mary Clark (accounting), Judy Curti (accounting), Brett McCurry and the Lee Vining and Crowley Lake road crews (crack sealing and sign installations); and

WHEREAS, Garrett actively engaged land owners and citizens to ensure local needs were addressed, including outreach to the June Lake Citizens Advisory Committee, the Long Valley and Chalfant RPAC's (Regional Planning Advisory Committees); and the Mono County Planning Commission, Board of Supervisors, and Local Transportation Commission; and

WHEREAS, collaboration and coordination with other agencies was essential, particularly the efforts of Wendy Longley and Sharon Armstrong of the Federal Highway Administration on Rock Creek and Convict Lake projects; and

WHEREAS, project success was contingent on performance excellence of construction firms, including Ace General Engineering, Qualcon Contractors, Construction Specialty, Sierra View Equipment, and LB Civil Construction in completing road improvements.

NOW, THEREFORE, BE IT RESOLVED, that the Mono County Board of Supervisors awards this resolution of appreciation to Garrett Higerd, and all other staff, agencies and consultants contributing to the success of these priority road projects in Mono County.

Timothy E. Fesko, Chairman
Supervisor, District Four

Tim Alpers
Supervisor, District Three

Larry K. Johnston
Supervisor, District One

Fred Stump, Vice-Chair
Supervisor, District Two

Stacy Corless
Supervisor, District Five



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Clerk of the Board

TIME REQUIRED 5 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD** Outgoing Board Chair

SUBJECT Election of New 2016 Board Chair

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

The outgoing Board Chair will call for nominations to elect the Chair of the Board for 2016.

RECOMMENDED ACTION:

Elect the new Chair of the Board for 2016.

FISCAL IMPACT:

None.

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)

No Attachments Available

History

Time	Who	Approval
11/30/2015 8:03 AM	County Administrative Office	Yes

12/28/2015 11:45 AM

County Counsel

Yes

12/1/2015 2:05 PM

Finance

Yes



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Clerk of the Board

TIME REQUIRED 5 minutes

PERSONS APPEARING BEFORE THE BOARD Newly Elected Board Chair

SUBJECT Election of New 2016 Vice Chair to the Board

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

The newly elected Board Chair will call for nominations to elect the Vice Chair of the Board for 2016.

RECOMMENDED ACTION:

Elect the new Vice Chair of the Board for 2016.

FISCAL IMPACT:

None.

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR
**PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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No Attachments Available

History

Time	Who	Approval
11/30/2015 8:02 AM	County Administrative Office	Yes

12/28/2015 11:48 AM

County Counsel

Yes

12/1/2015 2:04 PM

Finance

Yes



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Clerk of the Board

TIME REQUIRED 5 minutes

PERSONS APPEARING BEFORE THE BOARD Board Chair

SUBJECT Election of New 2016 Chair Pro-Tem

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

The newly elected Chair will call for nominations to elect the Chair Pro-Tem of the Board for 2016.

RECOMMENDED ACTION:

Elect the new Chair Pro-Tem of the Board for 2016.

FISCAL IMPACT:

None.

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR **PRIOR TO 5:00 P.M. ON THE FRIDAY 32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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History

Time	Who	Approval
11/30/2015 8:01 AM	County Administrative Office	Yes

12/28/2015 11:47 AM

County Counsel

Yes

12/1/2015 2:10 PM

Finance

Yes



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Clerk of the Board

TIME REQUIRED 10 minutes

PERSONS APPEARING BEFORE THE BOARD Board Chair

SUBJECT Presentation to Outgoing Chairman Fesko

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Presentation to Chairman Fesko by newly elected Board Chair honoring Supervisor Fesko's service to the Board in 2015.

RECOMMENDED ACTION:

None.

FISCAL IMPACT:

None.

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR **PRIOR TO 5:00 P.M. ON THE FRIDAY 32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p>No Attachments Available</p>
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History

Time	Who	Approval
11/30/2015 8:01 AM	County Administrative Office	Yes

12/28/2015 2:39 PM

County Counsel

Yes

12/1/2015 2:11 PM

Finance

Yes



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Finance

TIME REQUIRED

SUBJECT Treasury Transaction Report

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Treasury Transaction Reports for the months of October & November 2015.

RECOMMENDED ACTION:

Approve the Treasury Transaction Reports for the months of October & November 2015.

FISCAL IMPACT:

None.

CONTACT NAME: Joanne K. Werthwein

PHONE/EMAIL: (760) 932-5487 / jwerthwein@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[October & November 2015 Treasury Transaction Reports](#)

History

Time

12/29/2015 12:35 PM

Who

County Administrative Office

Approval

Yes

12/29/2015 11:32 AM

County Counsel

Yes

12/28/2015 11:12 AM

Finance

Yes



Mono County Transaction Summary by Action All Portfolios

Begin Date: 9/30/2015, End Date: 10/31/2015

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Buy Transactions									
Buy	10/8/2015	3130A6L54	1,000,000.00	FHLB 1.4 10/8/2019-16	99.90	999,000.00	0.00	1.43	999,000.00
Buy	10/15/2015	661334DS8	600,000.00	N ORANGE CNTY CA CMNTY CLG DIST 1.54 8/1/2018	100.79	604,764.00	1,899.33	1.25	606,663.33
Subtotal			1,600,000.00			1,603,764.00	1,899.33		1,605,663.33
Deposit	10/6/2015	LAIF6000Q	1,500,000.00	Local Agency Investment Fund LGIP- Quarterly	100.00	1,500,000.00	0.00	0.00	1,500,000.00
Deposit	10/9/2015	LAIF6000Q	1,600,000.00	Local Agency Investment Fund LGIP- Quarterly	100.00	1,600,000.00	0.00	0.00	1,600,000.00
Deposit	10/14/2015	LAIF6000Q	2,000,000.00	Local Agency Investment Fund LGIP- Quarterly	100.00	2,000,000.00	0.00	0.00	2,000,000.00
Deposit	10/15/2015	LAIF6000Q	9,156.20	Local Agency Investment Fund LGIP- Quarterly	100.00	9,156.20	0.00	0.00	9,156.20
Deposit	10/19/2015	LAIF6000Q	2,000,000.00	Local Agency Investment Fund LGIP- Quarterly	100.00	2,000,000.00	0.00	0.00	2,000,000.00
Deposit	10/20/2015	LAIF6000Q	800,000.00	Local Agency Investment Fund LGIP- Quarterly	100.00	800,000.00	0.00	0.00	800,000.00
Deposit	10/22/2015	LAIF6000Q	1,000,000.00	Local Agency Investment Fund LGIP- Quarterly	100.00	1,000,000.00	0.00	0.00	1,000,000.00
Deposit	10/22/2015	OAKVALLEY0670	554.59	Oak Valley Bank Cash	100.00	554.59	0.00	0.00	554.59
Deposit	10/30/2015	OAKVALLEY0670	1,341.32	Oak Valley Bank Cash	100.00	1,341.32	0.00	0.00	1,341.32
Deposit	10/31/2015	OAKVALLEY0670	20,788,068.98	Oak Valley Bank Cash	100.00	20,788,068.98	0.00	0.00	20,788,068.98
Subtotal			29,699,121.09			29,699,121.09	0.00		29,699,121.09
Total Buy Transactions			31,299,121.09			31,302,885.09	1,899.33		31,304,784.42
Sell Transactions									
Called	10/8/2015	3133EE2C3	1,000,000.00	FFCB 1.59 3/25/2019-15	0.00	1,000,000.00	574.17	0.00	1,000,574.17
Called	10/13/2015	3133ECQW7	2,000,000.00	FFCB 1.25 6/4/2018-13	0.00	2,000,000.00	8,958.33	0.00	2,008,958.33
Called	10/16/2015	313382SY0	2,000,000.00	FHLB 0.55 11/7/2016-15	0.00	2,000,000.00	4,858.33	0.00	2,004,858.33
Subtotal			5,000,000.00			5,000,000.00	14,390.83		5,014,390.83
Matured	10/26/2015	795450QA6	250,000.00	Sallie Mae Bank, UT 1.05 10/26/2015	0.00	250,000.00	0.00	0.00	250,000.00
Subtotal			250,000.00			250,000.00	0.00		250,000.00
Withdraw	10/31/2015	OAKVALLEY0670	18,725,335.65	Oak Valley Bank Cash	0.00	18,725,335.65	0.00	0.00	18,725,335.65
Subtotal			18,725,335.65			18,725,335.65	0.00		18,725,335.65
Total Sell Transactions			23,975,335.65			23,975,335.65	14,390.83		23,989,726.48



Mono County Transaction Summary by Action All Portfolios

Begin Date: 9/30/2015, End Date: 10/31/2015

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Interest/Dividends									
Interest	10/1/2015	23130SCQ4	0.00	CURRIE ST BK CURRIE MN 0.6 7/29/2016		0.00	120.82	0.00	120.82
Interest	10/1/2015	865060AB3	0.00	SUISUN CITY CA REDEV AGY 1 10/1/2016		0.00	5,125.00	0.00	5,125.00
Interest	10/2/2015	36962G6W9	0.00	General Electric Cap Corp 1.625 4/2/2018		0.00	4,062.50	0.00	4,062.50
Interest	10/10/2015	35471TBU5	0.00	FRANKLIN SYNERGY BANK FRANKLIN TN 0.5 8/10/2016		0.00	100.69	0.00	100.69
Interest	10/15/2015	34387ABA6	0.00	FLUSHING BANK N Y 1.8 12/10/2018		0.00	362.47	0.00	362.47
Interest	10/21/2015	33764JPM1	0.00	First Bank Puerto Rico 0.9 11/23/2015		0.00	184.93	0.00	184.93
Interest	10/22/2015	38148JRS2	0.00	GOLDMAN SACHS BK USA NEW YORK 1.9 4/22/2020		0.00	2,333.88	0.00	2,333.88
Interest	10/22/2015	OAKVALLEY0670	0.00	Oak Valley Bank Cash		0.00	554.59	0.00	554.59
Interest	10/26/2015	20070PHK6	0.00	COMMERCE ST BK WEST BEND WIS 1.65 9/26/2019		0.00	332.26	0.00	332.26
Interest	10/26/2015	795450QA6	0.00	Sallie Mae Bank, UT 1.05 10/26/2015		0.00	1,330.48	0.00	1,330.48
Interest	10/26/2015	91330ABA4	0.00	UNITY BK CLINTON NJ 1.5 9/26/2019		0.00	302.05	0.00	302.05
Interest	10/27/2015	35637RCQ8	0.00	FREEDOM FIN BK W DES MOINES 1.5 7/26/2019		0.00	302.05	0.00	302.05
Interest	10/27/2015	596689EC9	0.00	MIDDLETON COMMUNITY BANK 1.4 11/27/2018		0.00	281.92	0.00	281.92
Interest	10/28/2015	20786ABA2	0.00	CONNECTONE BK ENGLEWOOD 1.55 7/29/2019		0.00	312.12	0.00	312.12
Interest	10/28/2015	59013JDB2	0.00	MERRICK BK SOUTH JORDAN UTAH 0.85 1/30/2017		0.00	171.16	0.00	171.16
Interest	10/28/2015	464209CD5	0.00	ISABELLA BANK 0.75 3/28/2017		0.00	151.03	0.00	151.03
Interest	10/29/2015	02587DXK9	0.00	AMERICAN EXPRESS CENTURION BK 1.85 4/29/2020		0.00	2,272.46	0.00	2,272.46
Interest	10/29/2015	139797FF6	0.00	CAPITAL BK LITTLE ROCK 0.9 2/28/2018		0.00	181.23	0.00	181.23
Interest	10/30/2015	06414QVT3	0.00	BANK NORTH CAROLINA THOMASVILLE NC 1 6/30/2017		0.00	201.37	0.00	201.37
Interest	10/30/2015	OAKVALLEY0670	0.00	Oak Valley Bank Cash		0.00	1,341.32	0.00	1,341.32
Subtotal			0.00			0.00	20,024.33		20,024.33
Total Interest/Dividends			0.00			0.00	20,024.33		20,024.33



Mono County Transaction Summary by Action All Portfolios

Begin Date: 10/31/2015, End Date: 11/30/2015

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Buy Transactions									
Buy	11/23/2015	3134G82D0	1,000,000.00	FHLMC 1 2/23/2018-16	99.95	999,500.00	0.00	1.02	999,500.00
Subtotal			1,000,000.00			999,500.00	0.00		999,500.00
Deposit	11/3/2015	LAIF6000Q	2,500,000.00	Local Agency Investment Fund LGIP-Quarterly	100.00	2,500,000.00	0.00	0.00	2,500,000.00
Deposit	11/10/2015	LAIF6000Q	1,500,000.00	Local Agency Investment Fund LGIP-Quarterly	100.00	1,500,000.00	0.00	0.00	1,500,000.00
Deposit	11/13/2015	LAIF6000Q	1,000,000.00	Local Agency Investment Fund LGIP-Quarterly	100.00	1,000,000.00	0.00	0.00	1,000,000.00
Deposit	11/17/2015	LAIF6000Q	1,000,000.00	Local Agency Investment Fund LGIP-Quarterly	100.00	1,000,000.00	0.00	0.00	1,000,000.00
Deposit	11/30/2015	OAKVALLEY0670	655.48	Oak Valley Bank Cash	100.00	655.48	0.00	0.00	655.48
Deposit	11/30/2015	OAKVALLEY0670	1,316.82	Oak Valley Bank Cash	100.00	1,316.82	0.00	0.00	1,316.82
Deposit	11/30/2015	OAKVALLEY0670	14,146,953.21	Oak Valley Bank Cash	100.00	14,146,953.21	0.00	0.00	14,146,953.21
Subtotal			20,148,925.51			20,148,925.51	0.00		20,148,925.51
Total Buy Transactions			21,148,925.51			21,148,425.51	0.00		21,148,425.51
Interest/Dividends									
Interest	11/1/2015	675383KK8	0.00	Oceanside CA ISD 4.5 5/1/2016		0.00	32,400.00	0.00	32,400.00
Interest	11/1/2015	23130SCQ4	0.00	CURRIE ST BK CURRIE MN 0.6 7/29/2016		0.00	124.85	0.00	124.85
Interest	11/1/2015	283309KM3	0.00	El Monte CA School District GO 1.698 5/1/2018		0.00	4,245.00	0.00	4,245.00
Interest	11/1/2015	3134G3S50	0.00	FHLMC 0.625 11/1/2016		0.00	6,250.00	0.00	6,250.00
Interest	11/3/2015	037833AJ9	0.00	Apple Inc 1 5/3/2018		0.00	2,500.00	0.00	2,500.00
Interest	11/6/2015	254672NC8	0.00	DISCOVER BK GREENWOOD DEL 1.9 5/6/2020		0.00	2,346.63	0.00	2,346.63
Interest	11/9/2015	36962G4T8	0.00	General Electric Cap Corp 2.25 11/9/2015		0.00	5,625.00	0.00	5,625.00
Interest	11/9/2015	36962G4T8	0.00	General Electric Cap Corp 2.25 11/9/2015		0.00	5,625.00	0.00	5,625.00
Interest	11/10/2015	35471TBU5	0.00	FRANKLIN SYNERGY BANK FRANKLIN TN 0.5 8/10/2016		0.00	104.04	0.00	104.04
Interest	11/15/2015	3134G3V64	0.00	FHLMC 1.65 11/15/2019-13		0.00	8,250.00	0.00	8,250.00
Interest	11/15/2015	34387ABA6	0.00	FLUSHING BANK N Y 1.8 12/10/2018		0.00	374.55	0.00	374.55
Interest	11/15/2015	91159HHD5	0.00	US Bancorp 1.65 5/15/2017		0.00	4,125.00	0.00	4,125.00
Interest	11/23/2015	33764JPM1	0.00	First Bank Puerto Rico 0.9 11/23/2015		0.00	203.42	0.00	203.42



Mono County Transaction Summary by Action All Portfolios

Begin Date: 10/31/2015, End Date: 11/30/2015

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Interest	11/26/2015	20070PHK6	0.00	COMMERCE ST BK WEST BEND WIS 1.65 9/26/2019		0.00	343.34	0.00	343.34
Interest	11/26/2015	17284C4F8	0.00	CIT BK SALT LAKE CITY 2.25 11/26/2019		0.00	2,778.90	0.00	2,778.90
Interest	11/26/2015	91330ABA4	0.00	UNITY BK CLINTON NJ 1.5 9/26/2019		0.00	312.12	0.00	312.12
Interest	11/27/2015	3134G6ZP1	0.00	FHLMC 1.375 11/27/2018-15		0.00	6,875.00	0.00	6,875.00
Interest	11/27/2015	35637RCQ8	0.00	FREEDOM FIN BK W DES MOINES 1.5 7/26/2019		0.00	312.12	0.00	312.12
Interest	11/27/2015	596689EC9	0.00	MIDDLETON COMMUNITY BANK 1.4 11/27/2018		0.00	291.32	0.00	291.32
Interest	11/28/2015	3134G6ZK2	0.00	FHLMC 1.4 11/28/2018-15		0.00	7,000.00	0.00	7,000.00
Interest	11/28/2015	20786ABA2	0.00	CONNECTONE BK ENGLEWOOD 1.55 7/29/2019		0.00	322.53	0.00	322.53
Interest	11/28/2015	59013JDB2	0.00	MERRICK BK SOUTH JORDAN UTAH 0.85 1/30/2017		0.00	176.87	0.00	176.87
Interest	11/28/2015	464209CD5	0.00	ISABELLA BANK 0.75 3/28/2017		0.00	156.06	0.00	156.06
Interest	11/29/2015	20451PKZ8	0.00	COMPASS BK BIRMINGHAM ALA 0.55 8/29/2016		0.00	679.29	0.00	679.29
Interest	11/29/2015	139797FF6	0.00	CAPITAL BK LITTLE ROCK 0.9 2/28/2018		0.00	187.27	0.00	187.27
Interest	11/30/2015	06414QVT3	0.00	BANK NORTH CAROLINA THOMASVILLE NC 1 6/30/2017		0.00	208.08	0.00	208.08
Interest	11/30/2015	OAKVALLEY0670	0.00	Oak Valley Bank Cash		0.00	1,316.82	0.00	1,316.82
Interest	11/30/2015	OAKVALLEY0670	0.00	Oak Valley Bank Cash		0.00	655.48	0.00	655.48
Subtotal			0.00			0.00	93,788.69		93,788.69
Total Interest/Dividends			0.00			0.00	93,788.69		93,788.69
Sell Transactions									
Matured	11/9/2015	36962G4T8	500,000.00	General Electric Cap Corp 2.25 11/9/2015	0.00	500,000.00	0.00	0.00	500,000.00
Matured	11/9/2015	36962G4T8	500,000.00	General Electric Cap Corp 2.25 11/9/2015	0.00	500,000.00	0.00	0.00	500,000.00
Matured	11/23/2015	33764JPM1	250,000.00	First Bank Puerto Rico 0.9 11/23/2015	0.00	250,000.00	0.00	0.00	250,000.00
Subtotal			1,250,000.00			1,250,000.00	0.00		1,250,000.00
Withdraw	11/30/2015	OAKVALLEY0670	13,635,290.04	Oak Valley Bank Cash	0.00	13,635,290.04	0.00	0.00	13,635,290.04
Subtotal			13,635,290.04			13,635,290.04	0.00		13,635,290.04
Total Sell Transactions			14,885,290.04			14,885,290.04	0.00		14,885,290.04



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Appointment to Mono County Child
Care Council

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Appointment of Salvador Montanez to the Mono County Child Care Council for a term of two years beginning 1/1/16 and expiring 12/31/17. This item is sponsored by Supervisor Corless.

RECOMMENDED ACTION:

Appoint Salvador Montanez to the Mono County Child Care Council, with a term expiring 12/31/17.

FISCAL IMPACT:

CONTACT NAME: Helen Nunn

PHONE/EMAIL: x5534 / hnunn@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Appointment Request to MCCCC](#)

History

Time	Who	Approval
12/24/2015 11:08 AM	County Administrative Office	Yes

12/28/2015 11:43 AM

County Counsel

Yes

12/17/2015 12:04 PM

Finance

Yes

Mono County Child Care Council



www.monocccc.org

**P. O. Box 8571
Mammoth Lakes, CA 93546**

December 16, 2015

To: Mono County Board of Supervisors

From: Queenie Barnard, Local Child Care Council Coordinator

Re: Re-appointment of Member to the Mono County Child Care Council – Salvador Montanez

Dear Board of Supervisors;

The Mono County Child Care Planning Council (MCCCC) is requesting reappointment by the Board of Supervisors of Salvador Montanez to serve as a member of the Child Care Council. He will be filling the membership position of Community Representative. Originally appointed by the Board of Supervisors, his term expires 12/31/15. The re-appointment will be for a two year term beginning 1/1/16 and ending 12/31/17.

Thank you for considering this request.

Queenie Barnard, LPC Coordinator
qbarnard@imaca.net
(760) 934-3343



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Board of Supervisors

TIME REQUIRED

SUBJECT Appointments to Mono County
Behavioral Health Advisory Board

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Supervisor Corless was appointed to Mono County's Behavioral Health Advisory Board on January 6, 2015, attended a training workshop by the California Institute for Behavioral Health Solutions regarding advisory board roles and responsibilities, and worked with Behavioral Health Department staff members to find Advisory Board members meet the state requirements so that formal board appointments can be made. This item is being sponsored by Supervisor Corless.

RECOMMENDED ACTION:

Make the following appointments to the Mono County Behavioral Health Advisory Board – Susi Bains, Jeff Franke, Lois Klein to two-year terms expiring January 2018; Ingrid Braun, Stacy Corless, Al Davis to three-year terms, expiring January 2019.

FISCAL IMPACT:

None.

CONTACT NAME: Stacy Corless, Supervisor

PHONE/EMAIL: x5533 / scorless@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Behavioral Health Staff Report](#)

History

Time	Who	Approval
12/29/2015 12:39 PM	County Administrative Office	Yes
12/29/2015 11:31 AM	County Counsel	Yes
12/29/2015 12:15 PM	Finance	Yes



Larry Johnston ~ District One Fred Stump ~ District Two
Tim Alpers ~ District Three

Tim Fesko ~ District Four Stacy Corless ~ District Five

**BOARD OF SUPERVISORS
COUNTY OF MONO**

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5538 • FAX (760) 932-5531

Bob Musil, Clerk of the Board

January 5, 2016

To: Honorable Board of Supervisors

From: Supervisor Stacy Corless

Subject: Mono County Behavioral Health Advisory Board

Fiscal Impact: None

Strategic Plan Alignment: Support Healthy People in Healthy Communities

Recommended Action: Make the following appointments to the Mono County Behavioral Health Advisory Board – Susi Bains, Jeff Franke, Lois Klein to two-year terms; Ingrid Braun, Stacy Corless, Al Davis to three-year terms.

Background:

Supervisor Corless was appointed to Mono County's Behavioral Health Advisory Board on January 6, 2015, attended a training workshop by the California Institute for Behavioral Health Solutions regarding advisory board roles and responsibilities, and worked with Behavioral Health Department staff members to find Advisory Board members meet the state requirements so that formal board appointments can be made.

Requirements of the Advisory Board:

- Counties in California are required to have a Mental Health Board, per Welfare and Institutions Code (WIC) Sections 5604(a)(1) et seq.
- The membership of the board is appointed by the Board of Supervisors, but the local mental health board can make recommendations to the Board of Supervisors.
- Each member of the board is appointed for 3 years; the appointments are staggered.
- Appointees should be individuals with experience and knowledge of the mental health system and reflect the ethnic diversity of the client populations of the county.
- No member shall be an employee of a county mental health service, the State Department of Health Care Services (DHCS), or an employee or paid member of the governing body of a mental health contract agency.
- In small counties (less than 80,000) the board will consist of at least 5 members: – At least 1 member shall be a parent, spouse, sibling or adult child of a consumer who is or has been receiving mental health services

Duties of the Advisory Board

- Review any county agreements entered into pursuant to WIC Section 5650: specifically assure that that the board has approved the procedures ensuring citizen and professional involvement in all stages of the planning process.
- Advise the governing body and the local mental health director as to any aspect of the local mental health programs.
- Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process.
- Submit an annual report to the governing board on the needs and performance of the mental health system.
- Review and make recommendations on applicants for the appointment of a local director of mental health services. The board shall be included in the selection process prior to the vote of the governing body.
- Review and comment on the county's performance outcome data and communicate its findings to the California Mental Health Planning Council.
- Assess the impact of realignment of services from the state to the county on services delivered to clients and the local community
- Perform any additional duties or authority as assigned by the governing board

**Recommended Appointments to the Mono County Mental Health Advisory Board
Two Year Term (Expires 1/2018)**

- Susi Bains, Wild Iris
- Lois Klein, Mammoth Unified School District Superintendent
- Jeff Franke, Mammoth Lakes resident, Consumer Family Member Representative (recommended by Behavioral Health Dept. staff)

Three Year Term (expires 1/2019)

- Ingrid Braun, Mono County Sheriff
- Al Davis, Mammoth Lakes Police Department Chief
- Stacy Corless, Mono County Board of Supervisors



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Social Services

TIME REQUIRED

SUBJECT Hiring Freeze Variance; DSS
Integrated Caseworker

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

An Integrated Caseworker I position vacancy within the Dept. of Social Services exists due to a retirement at the end of December 2015. The Department requests authorization to recruit and hire a replacement for the incumbent. This position is included in the current BOS-approved allocation list.

RECOMMENDED ACTION:

Approve hiring freeze variance and authorize the Director of Social Services to fill one Integrated Caseworker I vacancy within the Department of Social Services.

FISCAL IMPACT:

There is no cost to the Mono County General Fund; the cost for this position this year and in subsequent fiscal years is paid for with Social Services funds. The cost for an Integrated Caseworker I for the remainder of FY 2015-16 is approximately \$30,741 of which \$19,740 is salary. The full year cost is approximately \$61,482 of which \$39,480 represents salary.

CONTACT NAME: Kathy Peterson

PHONE/EMAIL: 760-924-1763 / kpeterson@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:
Kathy Peterson

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Cover Memo](#)

History

Time	Who	Approval
12/24/2015 11:44 AM	County Administrative Office	Yes
12/28/2015 2:35 PM	County Counsel	Yes
12/11/2015 4:57 PM	Finance	Yes



Office of the ... DEPARTMENT OF SOCIAL SERVICES

C O U N T Y O F M O N O

P. O. Box 2969 • Mammoth Lakes • California 93546

KATHRYN PETERSON, MPH
Director

BRIDGEPORT OFFICE
(760) 932-5600
FAX (760) 932-5287

MAMMOTH LAKES OFFICE
(760) 924-1770
FAX (760) 924-5431



To: Mono County Board of Supervisors
From: Kathy Peterson, Social Services Director
Date: December 11, 2015
Re: Hiring freeze variance; Integrated Caseworker I

Recommended Action:

Approve hiring freeze variance and authorize the Director of Social Services to fill one Integrated Caseworker I vacancy within the Department of Social Services.

Fiscal Impact:

There is no cost to the Mono County General Fund; the cost for this position this year and in subsequent fiscal years is paid for with Social Services funds. The cost for an Integrated Caseworker I for the remainder of FY 2015-16 is approximately \$30,741 of which \$19,740 is salary. The full year cost is approximately \$61,482 of which \$39,480 represents salary.

Discussion:

An Integrated Caseworker I position vacancy within Social Services will be created by the departure of Kaylan Johnson on December 30, 2015. Integrated Caseworkers determine eligibility of applicants and recipients for multiple public assistance benefit programs, provide full-scope employment services to clients, and perform casework management duties for both benefit and employment services. This position is included in the current BOS-approved Allocation List.



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Public Works

TIME REQUIRED

SUBJECT Hiring Freeze Variance - Public
Works Project Manager

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Due to an existing staff person's recent departure a vacancy exists in Public Works for a Project Manager. This position provides vital project management to Public Works and works with local agencies to formulate their desires into projects.

RECOMMENDED ACTION:

Authorize Public Works Director, in consultation with Human Resources, to begin recruitment process to fill an existing Project Manager vacancy in Public Works. Provide any desired direction to staff.

FISCAL IMPACT:

The funding source for this position is full-time out of Public Works. Funds for this position are included in the Mono County FY 15/16 approved budget.

Project Manager - The total cost (salary and benefits) for remainder (6 months) of FY 15/16 is \$63,954.91 and for a full fiscal year is \$127,909.82 of which \$76,800 is salary.

CONTACT NAME: Jeff Walters

PHONE/EMAIL: 760 932 5459 / jwalters@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Hiring Freeze Variance - Public Works Project Manager](#)

History

Time	Who	Approval
12/24/2015 11:10 AM	County Administrative Office	Yes
12/28/2015 2:33 PM	County Counsel	Yes
12/28/2015 11:25 AM	Finance	Yes



MONO COUNTY DEPARTMENT OF PUBLIC WORKS

POST OFFICE BOX 457 • 74 NORTH SCHOOL STREET • BRIDGEPORT, CALIFORNIA 93517
760.932.5440 • Fax 760.932.5441 • monopw@mono.ca.gov • www.monocounty.ca.gov

Date: January 5, 2016
To: Honorable Chair and Members of the Board of Supervisors
From: Jeff Walters, Public Works Director / Director of Road Operations and Fleet Services
Subject: Hiring Freeze Variance – Public Works Project Manager

Recommended Action:

Authorize Public Works Director, in consultation with Human Resources, to begin recruitment process to fill an existing Project Manager vacancy in Public Works. Provide any desired direction to staff.

Fiscal Impact:

The funding source for this position is full-time out of Public Works.

Project Manager - The total cost (salary and benefits) for remainder (6 months) of fiscal year 15/16 is \$63,954.91 and for a full fiscal year is \$127,909.82 of which \$76,800 is salary.

Discussion:

A vacancy currently exists for a Project Manager in Public Works.

This position assists several divisions within Public Works in the development and implementation of project plans, specifications, and costs estimates for improvements and maintenance projects throughout Mono County. The Project Manager also coordinates with local RPAC's, CSA's and other agencies to formulate their desires into projects.

If this position is not filled it will require existing Public Works staff to take on the duties of the Project Manager.

If you have any questions regarding this item, please contact Jeff Walters at 932-5459.

Respectfully submitted,

Jeff Walters
Public Works Director / Director of Road Operations and Fleet Services



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: CAO

TIME REQUIRED

SUBJECT Employment Contract with Dave
Butters

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Proposed resolution R16-_____, approving an Employment Agreement with Dave Butters and Prescribing the Compensation, Appointment and Conditions of Said Employment.

RECOMMENDED ACTION:

Adopt resolution R16-_____, approving an Employment Agreement with Dave Butters and Prescribing the Compensation, Appointment and Conditions of Said Employment.

FISCAL IMPACT:

The cost of this position for the remainder of FY 2015-2016 (February 1, 2016 to June 30, 2016) is approximately \$77,435 of which \$45,833 is salary; \$9,834 is the employer portion of PERS, and \$21,768 is the cost of the benefits and is included in the approved FY 2015-2016 Budget. Total cost for a full fiscal year would be \$170,144 of which \$110,000 is annual salary; \$24,796 is the employer portion of PERS, and \$35,348 is the cost of the benefits.

CONTACT NAME: Leslie Chapman

PHONE/EMAIL: 760-932-5414 / lchapman@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Dave Butters Staff Report](#)

[Dave Butters Resolution](#)

History

Time	Who	Approval
12/24/2015 2:35 PM	County Administrative Office	Yes
12/28/2015 11:58 AM	County Counsel	Yes
12/28/2015 11:06 AM	Finance	Yes



COUNTY OF MONO – County Administrative Office
P.O. BOX 696, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5412 · FAX (760) 932-5411

Leslie Chapman
County Administrative Officer
760.932.5414

To: Honorable Board of Supervisors
From: Leslie Chapman, County Administrator
Date: January 5, 2016

Subject: Resolution Approving Dave Butters Employment Agreement

Recommendation: Adopt Resolution R16-____, Approving an Employment Agreement with Dave Butters and Prescribing the Compensation, Appointment and Conditions of Said Employment.

Discussion: The Proposed Resolution would approve an employment agreement with Dave Butters reflecting his appointment as Director of Human Resources and establishing his compensation. Utilizing the firm of Ralph Andersen & Associates, the County conducted an extensive, nationwide recruitment for the position of Director of Human Resources and conducted interviews of many qualified candidates. County department heads also interviewed finalists for the position and provided their input to the Board. At the end of that process Mr. Butters was selected to be the County's new Director of Human Resources, effective February 1, 2016.

Fiscal Impact: The cost of this position for the remainder of FY 2015-2016 (February 1, 2016 to June 30, 2016) is approximately \$77,435 of which \$45,833 is salary; \$9,834 is the employer portion of PERS, and \$21,768 is the cost of the benefits and is included in the approved FY 2015-2016 Budget.

Total cost for a full fiscal year would be \$170,144 of which \$110,000 is annual salary; \$24,796 is the employer portion of PERS, and \$35,348 is the cost of the benefits.

For questions, please contact me at (760) 932-5414 or lchapman@mono.ca.gov



RESOLUTION NO. R16-

A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS APPROVING AN EMPLOYMENT AGREEMENT WITH DAVE BUTTERS AND PRESCRIBING THE COMPENSATION, APPOINTMENT, AND CONDITIONS OF SAID EMPLOYMENT

WHEREAS, the Mono County Board of Supervisors has the authority under Section 25300 of the Government Code to prescribe the compensation, appointment, and conditions of employment of County employees;

NOW, THEREFORE, BE IT RESOLVED by the Mono County Board of Supervisors, that the Agreement re Employment of Dave Butters, a copy of which is attached hereto as an exhibit and incorporated herein by this reference as though fully set forth, is hereby approved and the compensation, appointment, and other terms and conditions of employment set forth in that Agreement are hereby prescribed and shall govern the employment of Dave Butters. The Chairman of the Board of Supervisors shall execute said Agreement on behalf of the County.

PASSED AND ADOPTED this 5th day of January, 2016, by the following vote:

AYES :
NOES :
ABSTAIN :
ABSENT :

ATTEST: Clerk of the Board

Fred Stump, Chair
Board of Supervisors

APPROVED AS TO FORM:

COUNTY COUNSEL

AGREEMENT RE EMPLOYMENT OF DAVE BUTTERS

This Agreement is entered into this 5th day of January, 2016, by and between Dave Butters and the County of Mono.

I. RECITALS

The County wishes to employ Dave Butters as its Director of Human Resources on a full-time basis on the terms and conditions set forth in this Agreement. Dave Butters wishes to accept such employment with the County on said terms and conditions.

II. AGREEMENT

1. The term of this Agreement shall be February 1, 2016, until January 31, 2019, unless earlier terminated by either party in accordance with this Agreement. The County shall notify Mr. Butters in writing no later than August 1, 2019, whether it intends to negotiate a renewal of this Agreement. In the event the County fails to provide such notice, Mr. Butters shall notify the County in writing of its breach of this provision of the Agreement and County shall be allowed 30 days from the receipt of that notice to cure the breach. If the County cures the breach and notifies Mr. Butters that it does not intend to negotiate a renewal of the Agreement, then this Agreement shall terminate six months after said notification and no additional compensation or damages shall be owing to Mr. Butters as a result of the cured breach. If the County does not cure the breach, then the Agreement shall automatically renew for another two years on the same terms in effect at the time of renewal.
2. Commencing February 1, 2016, Mr. Butters shall be employed by Mono County as its Director of Human Resources, serving at the will and pleasure of the County Administrator in accordance with the terms and conditions of this Agreement. Mr. Butters accepts such employment. The County Administrator shall be deemed the "appointing authority" for all purposes with respect to Mr. Butters' employment.
3. Mr. Butters' initial salary shall be \$9,166.67 per month. Mr. Butters understands that he is responsible for paying the employee's share of any retirement contributions owed to the Public Employees Retirement System (PERS) with respect to his employment for the County, and also any employee share of the "normal cost" of Mr. Butters retirement benefits that may be mandated by the Public Employees Pension Reform Act of 2013 (PEPRA).

Should a wage increase be granted under the MOU with Local 39, applicable to Mono County Public Employees (MCPE), it is agreed that this contract will be reopened for discussion and potential re-negotiation with respect to Mr. Butters' salary. During such negotiations the County shall consider and discuss the issue of increased compensation with Mr. Butters in good faith, but the County's decision whether or not to grant such additional compensation shall be final and non-appealable.

4. Mr. Butters shall earn and accrue vacation and sick leave in accordance with the County's Management Benefits Policy and in accordance with any applicable County Code provisions not in conflict with said Policy. Also pursuant to said Policy, in recognition of the fact that his employment will be exempt from the payment of overtime or compensatory time-off under the Fair Labor Standards Act, he shall be entitled to 80 hours of merit leave (aka administrative leave) during each year of service under this Agreement. Mr. Butters understands that said merit leave does not accrue from one calendar year to the next; rather, it must be used by December 31st of each calendar year in which it is provided or it is lost. (Due to Mr. Butters start date of February 1, 2016; his merit leave shall be pro-rated to 73 hours for 11 months.)
5. To the extent deemed appropriate by the County Administrator, the County shall pay the professional dues, subscriptions, and other educational expenses necessary for Mr. Butters' full participation in applicable professional associations, for his continued professional growth and for the good of the County. Within one year of his employment with Mono County, Mr. Butters shall obtain the CALPELRA Labor Relations Academy Master Certification (CLRM). Upon successfully obtaining the CLRM Certification within that time period, and upon receipt of an overall performance evaluation that exceeds an overall ranking of "meets standards" for his first year, Mr. Butters' salary shall be increased to \$9,583.33 per month. The cost to obtain the CLRM Certification will be borne by the County.
6. To the extent not inconsistent with the foregoing or any other provision of this Agreement, Mr. Butters shall be entitled to the same general benefits provided by the County to other management-level employees, as described more fully in the County's Management Benefits Policy. Such benefits include but are not limited to CalPERS retirement benefits, CalPERS medical insurance, County dental and vision coverage, and life insurance. Pursuant to the California Public Employees' Pension Reform Act of 2013, the CalPERS retirement formula applicable to Mr. Butters' County employment will be "2% at 62." Any and all references in this Agreement to the County's Management Benefits Policy shall mean the "Policy Regarding Benefits of Management-level Officers and Employees," amended most recently by Resolution R14-54 of the Mono County

Board of Supervisors and as the same may be further amended from time to time and unilaterally implemented by the County.

7. Mr. Butters understands and agrees that his receipt of compensation or benefits of any kind under this Agreement or under any applicable County Code provision or policy – including but not limited to salary, insurance coverage, and paid holidays or leaves – is expressly contingent on his actual and regular rendering of personal services to the County or, in the event of any absence, upon his proper use of any accrued leave. Should Mr. Butters cease rendering such services during this Agreement and be absent from work without any accrued leave to cover said absence, then he shall cease earning or receiving any additional compensation or benefits until such time as he returns to work and resumes rendering personal services; provided, however, that the County shall provide any compensation or benefits mandated by state or federal law. Furthermore, should Mr. Butters' regular schedule ever be reduced to less than full-time employment, on a temporary or permanent basis, then all compensation and benefits provided by this Agreement or any applicable County policies shall be reduced on a pro-rata basis, except for those benefits that the County does not generally pro-rate for its other part-time employees (e.g., medical insurance).
8. Consistent with the "at will" nature of Mr. Butters' employment, the County Administrator may terminate Mr. Butters' employment at any time during this Agreement, without cause. In that event, this Agreement shall automatically terminate concurrently with the effective date of the termination. Mr. Butters understands and acknowledges that as an "at will" employee, he will not have permanent status nor will his employment be governed by the County Personnel System (Mono County Code Chapter 2.68) except to the extent that System is ever modified to apply expressly to at-will employees. Among other things, he will have no property interest in his employment, no right to be terminated or disciplined only for just cause, and no right to appeal, challenge, or otherwise be heard regarding any such termination or other disciplinary action the County Administrator may, in her discretion, take during Mr. Butters' employment.
9. In the event that such a termination without cause occurs after the first twelve months of employment, Mr. Butters shall receive as severance pay a lump sum equal to six months' salary or, to the extent that fewer than six full calendar months remain (as of that effective date) before this Agreement would have expired, Mr. Butters shall instead receive a lesser amount equal to any remaining salary payments he would have received before expiration of the Agreement had he not been terminated. Notwithstanding the foregoing, Mr. Butters shall receive severance pay equal to six months' salary in the event that termination occurs after the County has notified Mr. Butters that it intends to negotiate a renewal of

this Agreement but before this Agreement expires. In no event shall the parties' failure or inability to arrive at mutually acceptable terms of a renewed agreement trigger the payment of severance pay. Note: for purposes of severance pay, "salary" refers only to base compensation.

10. Notwithstanding the foregoing, Mr. Butters shall not be entitled to any severance pay in the event that the County Administrator has grounds to discipline him on or about the time she gives him notice of termination. For purposes of this provision, grounds for discipline include but are not limited to those specified in Section 2.68.230 of the County Code or any successor Code provision, as the same may be amended from time to time. Mr. Butters shall also not be entitled to any severance pay in the event that he becomes unable to perform the essential functions of his position (with or without reasonable accommodations) and his employment is duly terminated for such non-disciplinary reasons.
11. Mr. Butters may resign his employment with the County at any time. His resignation shall be deemed effective when tendered, and this agreement shall automatically terminate on that same date, unless otherwise mutually agreed to in writing by the parties. Mr. Butters shall not be entitled to any severance pay or additional compensation of any kind after the effective date of such resignation.
12. This Agreement constitutes the entire agreement of the parties with respect to the employment of Mr. Butters.
13. The parties agree that the Board of Supervisors' approval of this Agreement on behalf of the County is a legislative act and that through this agreement, the Board of Supervisors is carrying out its responsibility and authority under Section 25300 of the Government Code to set the terms and conditions of County employment. It is not the parties' intent to alter in any way the fundamental statutory (non-contractual) nature of Mr. Butters' employment with the County nor to give rise to any future contractual remedies for breach of this Agreement or of an implied covenant of good faith and fair dealing. Rather, the parties intend that Mr. Butters' sole remedy in response to any failure by the County to comply with this Agreement shall be traditional mandamus.
14. Mr. Butters acknowledges that this Agreement is executed voluntarily by him, without duress or undue influence on the part or on behalf of the County. Mr. Butters further acknowledges that he has participated in the negotiation and preparation of this Agreement and has had the opportunity to be represented by counsel with respect to such negotiation and preparation or does hereby knowingly waive his right to do so, and that he is fully aware of the contents of this Agreement and of its legal effect. Thus, any ambiguities in this Agreement

shall not be resolved in favor of or against either party.

III. EXECUTION:

This Agreement shall be deemed executed as of _____.

DAVE BUTTERS

THE COUNTY OF MONO

By: Fred Stump, Chair
Board of Supervisors

APPROVED AS TO FORM:

COUNTY COUNSEL



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: CAO

TIME REQUIRED

SUBJECT Employment Contract with Gerald Frank

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Proposed resolution R16-_____, approving Employment Agreement with Gerald Frank and Prescribing the Compensation, Appointment, and Conditions of Said Employment.

RECOMMENDED ACTION:

Adopt proposed resolution #R16-_____, approving Employment Agreement with Gerald Frank and Prescribing the Compensation, Appointment, and Conditions of Said Employment. Provide any desired direction to staff.

FISCAL IMPACT:

The cost of this position for the remainder of FY 2015-2016 (January 15, 2016 to June 30, 2016) is approximately \$67,094 of which \$41,250 is salary; \$8,851 is the employer portion of PERS, and \$16,993 is the cost of the benefits and is included in the approved FY 2015-2016 Budget. Total cost for a full fiscal year would be \$147,364 of which \$90,000 is annual salary; \$20,288 is the employer portion of PERS, and \$37,076 is the cost of the benefits.

CONTACT NAME: Leslie Chapman

PHONE/EMAIL: 760-932-5414 / lchapman@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Gerald Frank Contract Staff Report](#)

[Gerald Frank Resolution](#)

History

Time	Who	Approval
12/24/2015 3:24 PM	County Administrative Office	Yes
12/28/2015 2:32 PM	County Counsel	Yes
12/28/2015 11:04 AM	Finance	Yes



COUNTY OF MONO – County Administrative Office
P.O. BOX 696, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5412 · FAX (760) 932-5411

Leslie Chapman
County Administrative Officer
760.932.5414

To: Honorable Board of Supervisors
From: Leslie Chapman, County Administrator
Date: January 5, 2016

Subject: Resolution Approving Gerald Frank Employment Agreement

Recommendation: Adopt Resolution R16-____, Approving an Employment Agreement with Gerald Frank and Prescribing the Compensation, Appointment and Conditions of Said Employment.

Discussion: The Proposed Resolution would approve an employment agreement with Gerald Frank reflecting his appointment as Assistant Finance Director – Treasurer/Tax Collector and establishing his compensation. The County conducted an extensive recruitment for the position and conducted interviews of six qualified candidates. Mr. Frank was selected to be the County's new Assistant Finance Director – Treasurer/Tax Collector effective January 15, 2016.

Fiscal Impact: The cost of this position for the remainder of FY 2015-2016 (January 15, 2016 to June 30, 2016) is approximately \$67,094 of which \$41,250 is salary; \$8,851 is the employer portion of PERS, and \$16,993 is the cost of the benefits and is included in the approved FY 2015-2016 Budget.

Total cost for a full fiscal year would be \$147,364 of which \$90,000 is annual salary; \$20,288 is the employer portion of PERS, and \$37,076 is the cost of the benefits.

For questions, please contact me at (760) 932-5414 or lchapman@mono.ca.gov



RESOLUTION NO. R16-

A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS APPROVING AN EMPLOYMENT AGREEMENT WITH GERALD FRANK AND PRESCRIBING THE COMPENSATION, APPOINTMENT, AND CONDITIONS OF SAID EMPLOYMENT

WHEREAS, the Mono County Board of Supervisors has the authority under Section 25300 of the Government Code to prescribe the compensation, appointment, and conditions of employment of County employees;

NOW, THEREFORE, BE IT RESOLVED by the Mono County Board of Supervisors, that the Agreement re Employment of Gerald Frank, a copy of which is attached hereto as an exhibit and incorporated herein by this reference as though fully set forth, is hereby approved and the compensation, appointment, and other terms and conditions of employment set forth in that Agreement are hereby prescribed and shall govern the employment of Gerald Frank. The Chairman of the Board of Supervisors shall execute said Agreement on behalf of the County.

PASSED AND ADOPTED this 5th day of January, 2016, by the following vote:

AYES :
NOES :
ABSTAIN :
ABSENT :

ATTEST: Clerk of the Board

Fred Stump, Chair
Board of Supervisors

APPROVED AS TO FORM:

COUNTY COUNSEL

AGREEMENT RE EMPLOYMENT OF GERALD FRANK

This Agreement is entered into this 5th day of January, 2016, by and between Gerald Frank and the County of Mono.

I. RECITALS

The County currently employs Mr. Frank as an Accountant II. The County now wishes to employ Mr. Frank as the Assistant Finance Director/Treasurer-Tax Collector on a full-time basis on the terms and conditions set forth in this Agreement. Gerald Frank wishes to accept employment with the County on said terms and conditions.

II. AGREEMENT

1. The term of this Agreement shall be January 15, 2016, until January 15, 2019, unless earlier terminated by either party in accordance with this Agreement. The County shall notify Mr. Frank in writing no later than July 15, 2018, whether it intends to negotiate a renewal of this Agreement. In the event the County fails to provide such notice, Mr. Frank shall notify the County in writing of its breach of this provision of the Agreement and County shall be allowed 30 days from the receipt of that notice to cure the breach. If the County cures the breach and notifies Mr. Frank that it does not intend to negotiate a renewal of the Agreement, then this Agreement shall terminate six months after said notification and no additional compensation or damages shall be owing to Mr. Frank as a result of the cured breach. If County does not cure the breach, then the Agreement shall automatically renew for another three years, commencing on the date of its expiration, on the same terms in effect at the time of renewal.
2. Commencing January 15, 2016, Mr. Frank shall be employed by Mono County as Assistant Finance Director/Treasurer-Tax Collector, serving at the will and pleasure of the County Finance Director in accordance with the terms and conditions of this Agreement. Mr. Frank accepts such employment. The County Finance Director shall be deemed the "appointing authority" for all purposes with respect to Mr. Frank's employment.
3. Effective January 15, Mr. Frank's salary shall be \$7,500 per month (pro-rated for the month of January 2016 based on the effective date of the new position). Mr. Frank understands that he is responsible for paying the employee's share of any retirement contributions owed to the Public Employees Retirement System (PERS) with respect to his employment for the County. The Board may unilaterally increase Mr. Frank's compensation in its discretion at any time while this Agreement is in effect. Should a wage increase be granted under the MOU

with Local 39, applicable to Mono County Public Employees (MCPE), it is agreed that this contract will be reopened for discussion and potential re-negotiation with respect Mr. Frank' salary. During such negotiations the County shall consider and discuss the issue of increased compensation with Mr. Frank in good faith, but the County's decision whether or not to grant such additional compensation shall be final and non-appealable.

4. Mr. Frank shall earn and accrue vacation and sick leave in accordance with the County's Management Benefits Policy and in accordance with any applicable County Code provisions not in conflict with said Policy. Also pursuant to said Policy, in recognition of the fact that his employment will be exempt from the payment of overtime or compensatory time-off under the Fair Labor Standards Act, he shall be entitled to 80 hours of merit leave (aka administrative leave) during each year of service under this Agreement. Mr. Frank understands that said merit leave does not accrue from one calendar year to the next; rather, it must be used by December 31st of each calendar year in which it is provided or it is lost. (Note: Due to the January 15th effective date of Mr. Frank's position change, his merit leave shall be prorated to 77 hours for 2016.)
5. To the extent deemed appropriate by the County Finance Director, the County shall pay the professional dues, subscriptions, and other educational expenses necessary for Mr. Frank's full participation in applicable professional associations, or for his continued professional growth and for the good of the County.
6. To the extent not inconsistent with the foregoing or any other provision of this Agreement, Mr. Frank shall be entitled to the same general benefits provided by the County to other management-level employees, as described more fully in the County's Management Benefits Policy. Such benefits include but are not limited to CalPERS retirement benefits (currently 2.7% at 55), CalPERS medical insurance, County dental and vision coverage, and life insurance. Any and all references in this Agreement to the County's Management Benefits Policy shall mean the "Policy Regarding Benefits of Management-level Officers and Employees," adopted by Resolution R14-54 of the Mono County Board of Supervisors, as the same may be amended from time to time and unilaterally implemented by the County.
7. Mr. Frank understands and agrees that his receipt of compensation or benefits of any kind under this Agreement or under any applicable County Code provision or policy – including but not limited to salary, insurance coverage, and paid holidays or leaves – is expressly contingent on his actual and regular rendering of personal services to the County or, in the event of any absence, upon his proper use of any accrued leave. Should Mr. Frank cease rendering such services during this Agreement and be absent from work without any accrued leave to

cover said absence, then he shall cease earning or receiving any additional compensation or benefits until such time as he returns to work and resumes rendering personal services; provided, however, that the County shall provide any compensation or benefits mandated by state or federal law. Furthermore, should Mr. Frank's regular schedule ever be reduced to less than full-time employment, on a temporary or permanent basis, then all compensation and benefits provided by this Agreement or any applicable County policies shall be reduced on a pro-rata basis, except for those benefits that the County does not generally pro-rate for its other part-time employees (e.g., medical insurance).

8. Consistent with the "at will" nature of Mr. Frank's employment, the County Finance Director may terminate Gerald Frank's employment at any time during this agreement, without cause. In that event, this Agreement shall automatically terminate concurrently with the effective date of the termination. Mr. Frank understands and acknowledges that as an "at will" employee, he will not have permanent status nor will his employment be governed by the County Personnel System (Mono County Code Chapter 2.68) except to the extent that System is ever modified to apply expressly to at-will employees. Among other things, he will have no property interest in his employment, no right to be terminated or disciplined only for just cause, and no right to appeal, challenge, or otherwise be heard regarding any such termination or other disciplinary action the County Finance Director may, in his or her discretion, take during Mr. Frank's employment.
9. In the event that such a termination without cause occurs after January 15, 2017, (i.e., after the first twelve months of employment as Assistant Finance Director/Treasurer-Tax Collector), Mr. Frank shall receive as severance pay a lump sum equal to six months' salary or, to the extent that fewer than six full calendar months remain (as of that effective date) before this Agreement would have expired, Mr. Frank shall instead receive a lesser amount equal to any remaining salary payments he would have received before expiration of the Agreement had he not been terminated. Notwithstanding the foregoing, Mr. Frank shall receive severance pay equal to six months' salary in the event that termination occurs after the County has notified Mr. Frank that it intends to negotiate a renewal of this Agreement but before this Agreement expires. In no event shall the parties' failure or inability to arrive at mutually acceptable terms of a renewed agreement trigger the payment of severance pay. Note: for purposes of severance pay, "salary" refers only to base compensation (i.e., it does not include any other compensation, including but not limited to any temporary performance or merit pay).
10. Notwithstanding the foregoing, Mr. Frank shall not be entitled to any severance pay in the event that the County Finance Director has grounds to discipline him

on or about the time he or she gives her notice of termination. For purposes of this provision, grounds for discipline include but are not limited to those specified in Section 2.68.230 of the County Code or any successor Code provision, as the same may be amended from time to time. Mr. Frank shall also not be entitled to any severance pay in the event that he becomes unable to perform the essential functions of his position (with or without reasonable accommodations) and his employment is duly terminated for such non-disciplinary reasons.

11. Mr. Frank may resign his employment with the County at any time. His resignation shall be deemed effective when tendered, and this agreement shall automatically terminate on that same date, unless otherwise mutually agreed to in writing by the parties. Mr. Frank shall not be entitled to any severance pay or additional compensation of any kind after the effective date of such resignation.
12. This Agreement constitutes the entire agreement of the parties with respect to the employment of Gerald Frank. Consistent with Mr. Frank's uninterrupted employment status, this Agreement shall have no effect on any sick leave or vacation time that Mr. Frank may have accrued as of the effective date of this Agreement nor on his original date of hire or total years of service as a County employee, to the extent the same may be relevant in determining such accruals or Mr. Frank's date of eligibility for or vesting of any non-salary benefits or for any other purpose.
13. The parties agree that the Board of Supervisors' approval of this Agreement on behalf of the County is a legislative act and that through this agreement, the Board of Supervisors is carrying out its responsibility and authority under Section 25300 of the Government Code to set the terms and conditions of County employment. It is not the parties' intent to alter in any way the fundamental statutory (non-contractual) nature of Mr. Frank's employment with the County nor to give rise to any future contractual remedies for breach of this Agreement or of an implied covenant of good faith and fair dealing. Rather, the parties intend that Mr. Frank's sole remedy in response to any failure by the County to comply with this Agreement shall be traditional mandamus.
14. Mr. Frank acknowledges that this Agreement is executed voluntarily by him, without duress or undue influence on the part or on behalf of the County. Mr. Frank further acknowledges that he has participated in the negotiation and preparation of this Agreement and has had the opportunity to be represented by counsel with respect to such negotiation and preparation or does hereby knowingly waive his right to do so, and that he is fully aware of the contents of this Agreement and of its legal effect. Thus, any ambiguities in this Agreement shall not be resolved in favor of or against either party.

III. EXECUTION:

This Agreement shall be deemed executed as of _____.

GERALD FRANK

THE COUNTY OF MONO

By: Fred Stump, Chair
Board of Supervisors

APPROVED AS TO FORM:

COUNTY COUNSEL



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: CAO, County Counsel

TIME REQUIRED

SUBJECT Employment Contract with Stephanie Butters

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Proposed resolution R16-_____ approving an Employment Agreement with Stephanie Butters and Prescribing the Compensation, Appointment, and Conditions of Said Employment.

RECOMMENDED ACTION:

Adopt proposed resolution #R16-_____ approving an Employment Agreement with Stephanie Butters and Prescribing the Compensation, Appointment, and Conditions of Said Employment. Provide any desired direction to staff.

FISCAL IMPACT:

The cost of this position for the remainder of FY 2015-2016 (January 1, 2016 to June 30, 2016) is approximately \$74,663 of which \$51,000 is salary; \$10,943 is the employer portion of PERS, and \$12,720 is the cost of the benefits and is included in the approved FY 2015-2016 Budget. Total cost for a full fiscal year would be \$164,008 of which \$102,000 is annual salary; \$22,993 is the employer portion of PERS, and \$39,015 is the cost of the benefits.

CONTACT NAME: Leslie Chapman

PHONE/EMAIL: 760-932-5414 / lchapman@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Stephanie Butters Contract Staff Report](#)

[Stephanie Butters Contract Resolution](#)

History

Time	Who	Approval
12/29/2015 12:33 PM	County Administrative Office	Yes
12/29/2015 1:18 PM	County Counsel	Yes
12/29/2015 12:50 PM	Finance	Yes



COUNTY OF MONO – County Administrative Office
P.O. BOX 696, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5412 · FAX (760) 932-5411

Leslie Chapman
County Administrative Officer
760.932.5414

To: Honorable Board of Supervisors
From: Leslie Chapman, County Administrator
Date: January 5, 2016

Subject: Resolution Approving Stephanie Butters Employment Agreement

Recommendation: Adopt Resolution R16-____, Approving an Employment Agreement with Stephanie Butters and Prescribing the Compensation, Appointment and Conditions of Said Employment.

Discussion: The Proposed Resolution would approve an employment agreement with Stephanie Butters reflecting her appointment as Assistant Finance Director – Auditor/Controller and establishing her compensation. Ms. Butters has been an exceptional, dedicated employee in the Finance Department for the last 14 years. She started as a Fiscal Technical Specialist and advanced to Accountant II overseeing the daily operations of the office and supervising three staff members. As such, she is uniquely qualified to assume this position and the CAO's recommendation is to promote Ms. Butters to Assistant Finance Director – Auditor/Controller.

Fiscal Impact: The cost of this position for the remainder of FY 2015-2016 (January 1, 2016 to June 30, 2016) is approximately \$74,663 of which \$51,000 is salary; \$10,943 is the employer portion of PERS, and \$12,720 is the cost of the benefits and is included in the approved FY 2015-2016 Budget.

Total cost for a full fiscal year would be \$164,008 of which \$102,000 is annual salary; \$22,993 is the employer portion of PERS, and \$39,015 is the cost of the benefits.

For questions, please contact me at (760) 932-5414 or lchapman@mono.ca.gov

AGREEMENT RE EMPLOYMENT OF STEPHANIE BUTTERS

This Agreement is entered into by and between Stephanie Butters and the County of Mono and shall be effective as of January 1, 2016.

I. RECITALS

The County currently employs Ms. Butters as an Accountant II. The County now wishes to employ Ms. Butters as the Assistant Finance Director/Auditor-Controller on a full-time basis on the terms and conditions set forth in this Agreement. Stephanie Butters wishes to accept employment with the County on said terms and conditions.

II. AGREEMENT

1. The term of this Agreement shall be January 1, 2016, until December 31, 2019, unless earlier terminated by either party in accordance with this Agreement. The County shall notify Ms. Butters in writing no later than June 30, 2019, whether it intends to negotiate a renewal of this Agreement. In the event the County fails to provide such notice, Ms. Butters shall notify the County in writing of its breach of this provision of the Agreement and County shall be allowed 30 days from the receipt of that notice to cure the breach. If the County cures the breach and notifies Ms. Butters that it does not intend to negotiate a renewal of the Agreement, then this Agreement shall terminate six months after said notification and no additional compensation or damages shall be owing to Ms. Butters as a result of the cured breach. If County does not cure the breach, then the Agreement shall automatically renew for another three years, commencing on the date of its expiration, on the same terms in effect at the time of renewal.
2. Commencing January 1, 2016, Ms. Butters shall be employed by Mono County as Assistant Finance Director/Auditor-Controller, serving at the will and pleasure of the County Finance Director in accordance with the terms and conditions of this Agreement. Ms. Butters accepts such employment. The County Finance Director shall be deemed the "appointing authority" for all purposes with respect to Ms. Butter's employment.
3. Effective January 1, 2016, Ms. Butters' salary shall be \$8,500.00 per month. Ms. Butters understands that she is responsible for paying the employee's share of any retirement contributions owed to the Public Employees Retirement System (PERS) with respect to her employment for the County. The Board may unilaterally increase Ms. Butters' compensation in its discretion at any time while this Agreement is in effect. Should a wage increase be granted under the MOU with Local 39, applicable to Mono County Public Employees (MCPE), it is agreed

that this contract will be reopened for discussion and potential re-negotiation with respect Ms. Butters' salary. During such negotiations the County shall consider and discuss the issue of increased compensation with Ms. Butters in good faith, but the County's decision whether or not to grant such additional compensation shall be final and non-appealable.

4. Ms. Butters shall earn and accrue vacation and sick leave in accordance with the County's Management Benefits Policy and in accordance with any applicable County Code provisions not in conflict with said Policy. Also pursuant to said Policy, in recognition of the fact that her employment will be exempt from the payment of overtime or compensatory time-off under the Fair Labor Standards Act, she shall be entitled to 80 hours of merit leave (aka administrative leave) during each year of service under this Agreement. Ms. Butters understands that said merit leave does not accrue from one calendar year to the next; rather, it must be used by December 31st of each calendar year in which it is provided or it is lost.
5. To the extent deemed appropriate by the County Finance Director, the County shall pay the professional dues, subscriptions, and other educational expenses necessary for Ms. Butters' full participation in applicable professional associations, or for her continued professional growth and for the good of the County.
6. To the extent not inconsistent with the foregoing or any other provision of this Agreement, Ms. Butters shall be entitled to the same general benefits provided by the County to other management-level employees, as described more fully in the County's Management Benefits Policy. Such benefits include but are not limited to CalPERS retirement benefits (currently 2.7% at 55), CalPERS medical insurance, County dental and vision coverage, and life insurance. Any and all references in this Agreement to the County's Management Benefits Policy shall mean the "Policy Regarding Benefits of Management-level Officers and Employees," adopted by Resolution R14-54 of the Mono County Board of Supervisors, as the same may be amended from time to time and unilaterally implemented by the County.
7. Ms. Butters understands and agrees that her receipt of compensation or benefits of any kind under this Agreement or under any applicable County Code provision or policy – including but not limited to salary, insurance coverage, and paid holidays or leaves – is expressly contingent on her actual and regular rendering of personal services to the County or, in the event of any absence, upon her proper use of any accrued leave. Should Ms. Butters cease rendering such services during this Agreement and be absent from work without any accrued leave to cover said absence, then she shall cease earning or receiving any

additional compensation or benefits until such time as she returns to work and resumes rendering personal services; provided, however, that the County shall provide any compensation or benefits mandated by state or federal law. Furthermore, should Ms. Butters' regular schedule ever be reduced to less than full-time employment, on a temporary or permanent basis, then all compensation and benefits provided by this Agreement or any applicable County policies shall be reduced on a pro-rata basis, except for those benefits that the County does not generally pro-rate for its other part-time employees (e.g., medical insurance).

8. Consistent with the "at will" nature of Ms. Butters' employment, the County Finance Director may terminate Stephanie Butters' employment at any time during this agreement, without cause. In that event, this Agreement shall automatically terminate concurrently with the effective date of the termination. Ms. Butters understands and acknowledges that as an "at will" employee, she will not have permanent status nor will her employment be governed by the County Personnel System (Mono County Code Chapter 2.68) except to the extent that System is ever modified to apply expressly to at-will employees. Among other things, she will have no property interest in her employment, no right to be terminated or disciplined only for just cause, and no right to appeal, challenge, or otherwise be heard regarding any such termination or other disciplinary action the County Finance Director may, in his or her discretion, take during Ms. Butters' employment. As Ms. Butters currently holds the position of Accountant II in good standing, and has performed well in that role, in the event of termination of this contract without cause prior to January 1, 2017, Ms. Butters shall be reappointed to her position as Accountant II. In the event of any termination for cause prior to January 1, 2017, or any termination with or without cause after January 1, 2017, Ms. Butters will not be entitled to resume her former County employment or be placed in any other County Employment.
9. In the event that such a termination without cause occurs after December 31, 2016, (i.e., after the first twelve months of employment as Assistant Finance Director), Ms. Butters shall receive as severance pay a lump sum equal to six months' salary or, to the extent that fewer than six full calendar months remain (as of that effective date) before this Agreement would have expired, Ms. Butters shall instead receive a lesser amount equal to any remaining salary payments she would have received before expiration of the Agreement had she not been terminated. Notwithstanding the foregoing, Ms. Butters shall receive severance pay equal to six months' salary in the event that termination occurs after the County has notified Ms. Butters that it intends to negotiate a renewal of this Agreement but before this Agreement expires. In no event shall the parties' failure or inability to arrive at mutually acceptable terms of a renewed agreement trigger the payment of severance pay. Note: for purposes of severance pay,

"salary" refers only to base compensation (i.e., it does not include any other compensation, including but not limited to any temporary performance or merit pay).

10. Notwithstanding the foregoing, Ms. Butters shall not be entitled to any severance pay in the event that the County Finance Director has grounds to discipline her on or about the time he or she gives her notice of termination. For purposes of this provision, grounds for discipline include but are not limited to those specified in Section 2.68.230 of the County Code or any successor Code provision, as the same may be amended from time to time. Ms. Butters shall also not be entitled to any severance pay in the event that she becomes unable to perform the essential functions of her position (with or without reasonable accommodations) and her employment is duly terminated for such non-disciplinary reasons.
11. Ms. Butters may resign her employment with the County at any time. Her resignation shall be deemed effective when tendered, and this agreement shall automatically terminate on that same date, unless otherwise mutually agreed to in writing by the parties. Ms. Butters shall not be entitled to any severance pay or additional compensation of any kind after the effective date of such resignation.
12. This Agreement constitutes the entire agreement of the parties with respect to the employment of Stephanie Butters. Consistent with Ms. Butters' uninterrupted employment status, this Agreement shall have no effect on any sick leave or vacation time that Ms. Butters may have accrued as of the effective date of this Agreement nor on her original date of hire or total years of service as a County employee, to the extent the same may be relevant in determining such accruals or Ms. Butters' date of eligibility for or vesting of any non-salary benefits or for any other purpose.
13. The parties agree that the Board of Supervisors' approval of this Agreement on behalf of the County is a legislative act and that through this agreement, the Board of Supervisors is carrying out its responsibility and authority under Section 25300 of the Government Code to set the terms and conditions of County employment. It is not the parties' intent to alter in any way the fundamental statutory (non-contractual) nature of Ms. Butters' employment with the County nor to give rise to any future contractual remedies for breach of this Agreement or of an implied covenant of good faith and fair dealing. Rather, the parties intend that Ms. Butters' sole remedy in response to any failure by the County to comply with this Agreement shall be traditional mandamus.
14. Ms. Butters acknowledges that this Agreement is executed voluntarily by her, without duress or undue influence on the part or on behalf of the County. Ms.

Butters further acknowledges that she has participated in the negotiation and preparation of this Agreement and has had the opportunity to be represented by counsel with respect to such negotiation and preparation or does hereby knowingly waive her right to do so, and that she is fully aware of the contents of this Agreement and of its legal effect. Thus, any ambiguities in this Agreement shall not be resolved in favor of or against either party.

III. EXECUTION:

This Agreement shall be deemed executed as of January 1, 2016.

STEPHANIE BUTTERS

THE COUNTY OF MONO

By: Fred Stump, Chair
Board of Supervisors

APPROVED AS TO FORM:

COUNTY COUNSEL



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Letter regarding Expansion of
Geothermal Plant

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Correspondence sent by the Mammoth Community Water District on behalf of their General Manager, Pat Hayes, regarding the expansion of the geothermal energy production plant.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Helen Nunn

PHONE/EMAIL: x5534 / hnunn@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
**PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Correspondence, MCWD](#)

History

Time	Who	Approval
12/24/2015 10:53 AM	County Administrative Office	Yes
12/28/2015 2:37 PM	County Counsel	Yes

12/16/2015 3:00 PM

Finance

Yes

Shannon Kendall

RECEIVED

DEC - 9 2015

OFFICE OF THE CLERK

From: Irene Yamashita [iyamashita@mcwd.dst.ca.us]
Sent: Wednesday, December 09, 2015 10:48 AM
To: ken.harris@conservation.ca.gov
Cc: john.geroch@conservation.ca.gov; colin@usgs.gov; ttidwell@fs.fed.us;
David.Gutierrez@water.ca.gov; pkiddoo@gbuapcd.org; trevor_daley@feinstein.senate.gov;
matt.knox@mail.house.gov; jamie.callahan@gov.ca.gov; Karla.Memath@resources.ca.gov;
bob.phelan@sen.ca.gov; dana.jorgensen@asm.ca.gov; Shannon Kendall,
jgray@townofmammothlakes.ca.gov; jnowakowski@usgs.gov; acoleman@fs.fed.us;
jbacon@townofmammothlakes.ca.gov; j_duck@feinstein.senate.gov;
John.sobel@mail.house.gov; nancy.mcfadden@gov.ca.gov; Todd.ferrara@resources.ca.gov;
laura.ortega@sen.ca.gov; kirk.kimmelshue@asm.ca.gov
Subject: Mammoth Community Water District Letter Re: Studying Unintended Consequences of Geothermal Energy
Attachments: DOGGR Letter 12-9-15.pdf; Desert Sun Op Ed.pdf; Sacramento Bee Op Ed.pdf; mcwd-oramat-fact-sheet-final-10-15-15.pdf

Dear Mr. Harris,

The Mammoth Community Water District (MCWD) provides water and wastewater services to the Town of Mammoth Lakes and is located in Mono County, CA. On behalf of the MCWD General Manager, Pat Hayes, I am sending a letter to you from Mr. Hayes. Of concern, is the expansion of a geothermal energy production plant near our town that could adversely impact the quality and quantity of the cold groundwater resources used by our community. Mr. Hayes is requesting DOGGR 's support in our efforts to secure an adequate monitoring and mitigation plan before the project commences. In addition, Mr. Hayes is requesting a meeting with DOGGR to discuss our concerns in more detail.

Sincerely,

Irene Yamashita
Mammoth Community Water District
Environmental Specialist/Public Affairs
(760) 934-2596 ext. 314
iyamashita@mcwd.dst.ca.us



December 9, 2015

Kenneth Harris, State Oil & Gas Supervisor
Division of Oil, Gas, and Geothermal Resources (DOGGR)
801 K Street, MS 18-05
Sacramento, CA 95814-3530

Re: Studying the Unintended Consequences of Geothermal Energy

Dear Kenneth,

With a new mandate to expand renewable energy use, California is on track to dramatically increase its clean energy portfolio. As the state implements aggressive new measures to address climate change and population growth, we must also study the unintended consequences of clean energy projects on other natural resources. Geothermal energy has emerged as a viable source of clean energy, but its impacts on the environment and local water supplies are unclear and warrant further study.

Such is the situation in the community of Mammoth Lakes. The Mammoth Community Water District (MCWD) has been engaged in a dispute with Ormat Technologies, Inc. (Ormat) over the proposed expansion of their geothermal plant, Casa Diablo IV (Project). DOGGR regulates at least two of Ormat's projects in California, one of which is located near our community. The proposed project would double geothermal pumping in the region, but recent evidence suggests that the company's operations could be affecting the environment and our community's critical groundwater supplies, a troubling discovery as MCWD grapples with persistent drought conditions. Wells located near Ormat's geothermal production areas have shown increased water temperatures, and one well includes traces of chemicals linked to geothermal water. These findings could mean that fractured rock connects groundwater aquifers to the deeper geothermal zones. As a result, increases in geothermal pumping could reduce and degrade our groundwater supplies at a time when we need it most. To add to our concerns, recent U.S. Geological Survey studies have found an increase in tree deaths in areas near Ormat's geothermal operations, as well as rising soil temperatures and hydrogen sulfide concentrations that can be attributed to geothermal production.

The Bureau of Land Management serves as the federal regulatory agency for Casa Diablo IV, but we think there are important lessons to be learned and applied to California's planned and future geothermal projects. As the state agency responsible for the wise development of geothermal resources in California, DOGGR is clearly committed to clean energy operations that are protective of the environment and public safety. MCWD shares this commitment, but believes there is a right way and a wrong way to develop clean energy. Recent evidence suggesting geothermal energy could be negatively impacting the environment and our local water supplies is alarming and deserves focused attention and thoughtful analysis.

MCWD is seeking DOGGR's support in calling for careful study and meaningful mitigation measures to achieve a healthy environment and ensure safe and secure water supplies for communities potentially impacted by geothermal operations. There is clearly a need for policy-level discussions about the right way to develop geothermal projects. We can't move forward with geothermal projects without a careful examination of the potential impacts they could have on environmental resources. Doing so would be an injustice to our residents, the environment and the geothermal industry itself as it seeks to add more projects in California.

We remain committed to securing a meaningful resolution to this issue and working collaboratively on solutions. We hope you will join state and federal elected officials, community groups and water agencies like ours in ensuring appropriate measures are put in place to protect the quality and quantity of our groundwater supply and the health of our environment.

MCWD would appreciate the opportunity to meet with you to discuss this issue in greater detail and will be in touch to schedule a briefing.

Thank you for your consideration.

Sincerely,



Patrick Hayes
General Manager

cc: John Geroch, Chief Deputy, DOGGR
United States Geological Survey
United States Forest Service
Dave Gutierrez, California Department of Water Resources
Great Basin Unified Air Pollution Control District
Ormat Technologies
United States Senator Dianne Feinstein
United States Representative Paul Cook
Governor Jerry Brown
John Laird, Secretary, California Natural Resources Agency
State Senator Tom Berryhill
State Assembly Member Frank Bigelow
Mono County Supervisors
Mammoth Lakes Town Council

Enclosures: *Desert Sun* Opinion Piece, "Scrutinize Clean Energy Impacts on Resources"
Sacramento Bee Opinion Piece, "Clean Energy at the Cost of Sustainable Water Supplies"
Fact Sheet, "Geothermal Pumping Threatens Local Water Supplies"

Viewpoint: Scrutinize clean energy impacts on resources

California's deserts have long been considered a hub for clean energy, and with an aggressive new state mandate to increase renewable energy to 50 percent by 2030, clean energy development is expected to increase even more. As nearly every region of the state implements actions to address climate change, we must also study the unintended consequences of clean energy projects on other natural resources. Particularly in the desert, geothermal energy has emerged as a viable source of clean energy by using heated water and steam from below the earth's surface to produce electricity. State and federal officials recently released the Desert Renewable Energy Conservation Plan, a critical piece of California's renewable energy effort that streamlines geothermal development across the region while conserving important ecosystems. But, the potential impacts of geothermal energy development on the environment and local water supplies are unclear and warrant further study.

Geothermal operations could be degrading natural resources and reducing water supplies.

Our community in Mammoth Lakes, where many Californians vacation or own a home, is currently living with the conflict between geothermal energy and its potential effects on the surrounding environment. Recent U.S. Geological Survey studies have found an increase in tree deaths in areas near geothermal operations, as well as rising soil temperatures and hydrogen sulfide concentrations that can be attributed to geothermal production. In addition, analysis of the Mammoth Lakes groundwater basin suggests that geothermal operations could be impacting the quality and quantity of the region's water. Wells located within the Mammoth Community Water District have shown increased water temperatures the closer they are to geothermal production areas, and at least one well has shown traces of chloride and boron, chemicals linked to geothermal water. These findings could mean that fractured rock connects groundwater aquifers to the deeper geothermal zones, and as a result, geothermal pumping potentially could degrade water quality, diminish groundwater supplies in an already difficult drought, and impact other environmental resources.

Ironically, the geothermal company at the center of the debate in Mammoth – Ormat Technologies, Inc. – also has three geothermal plants located in Imperial County. As the effects of the prolonged drought persist, the desert's water managers are looking at ways to best utilize surplus supplies – particularly during the wet, El Niño conditions expected this winter – and groundwater banking is being analyzed as one potential option. With or without groundwater banking, it will be extremely important to hold companies like Ormat, and the agencies that review and approve their geothermal projects, responsible for implementing adequate monitoring and mitigation measures to ensure environmental protection and long-term reliability of the region's water.

Californians need every tool possible to meet new clean energy standards and combat climate change. But the impacts of geothermal energy on the environment deserve focused attention and thoughtful analysis. With careful study and meaningful mitigation measures we can achieve clean energy, a healthy environment, and safe and secure water supplies.

By Thomas R. Smith, President, Mammoth Community Water District

###

Don't give free ride to geothermal energy

California's landmark legislation calling for 50 percent renewable energy by 2030 is helping the state grapple with clean energy needs in the face of climate change and population growth. Geothermal energy – using heated water and steam from deep below the earth's surface to produce electricity – is a viable source of clean energy from the north state to the Sierra Nevada to Southern California.

But at what cost to the environment and local water supplies?

Unfortunately, the impacts of geothermal operations on California's groundwater supplies are largely unstudied and unknown. The potential impacts of geothermal pumping on limited water supplies remain a very real and unquantified threat.

The town of Mammoth Lakes serves as a worrisome example of geothermal energy production in conflict with local water supplies and the environment. Analysis of its groundwater basin suggests that geothermal reservoirs could be connected to regional water aquifers, potentially affecting the quality and quantity of local supplies.

The Mammoth Community Water District has wells that record hotter temperatures the closer they are to geothermal production wells; one includes trace geothermal water quality elements. The findings indicate that geologic layers between the deep geothermal zones and the shallower groundwater basins above them may be connected.

If fractured rock allows flows between the two zones, then groundwater supplies could be reduced, degraded or both as geothermal pumping increases. This is a potentially serious problem, considering that Mammoth Lakes and many other regions across the state are almost entirely dependent on groundwater as surface water diminishes.

To make matters worse, recent analysis by the U.S. Geological Survey has revealed an increase of tree deaths in the area, rising soil temperatures and hydrogen sulfide concentrations that can be attributed to geothermal production.

Clean energy must not come at the cost of the water supplies that serve our communities, or negatively impact other environmental resources. When projects do impact the environment and natural resources, the law requires that those impacts be mitigated.

Agencies responsible for reviewing and approving geothermal projects must not simply expedite project approval, but instead must carefully evaluate their potential effects. For this reason, state and federal elected officials, community groups and water agencies like ours are calling on geothermal companies and their project proponents to investigate groundwater and environmental resources, and to provide adequate mitigation measures to ensure sustainable and safe water supplies for surrounding communities.

There is a right way and a wrong way to develop clean energy sources. As California seeks to expand geothermal projects, they must ensure the long-term availability of essential groundwater resources.



ORMAT UPDATE

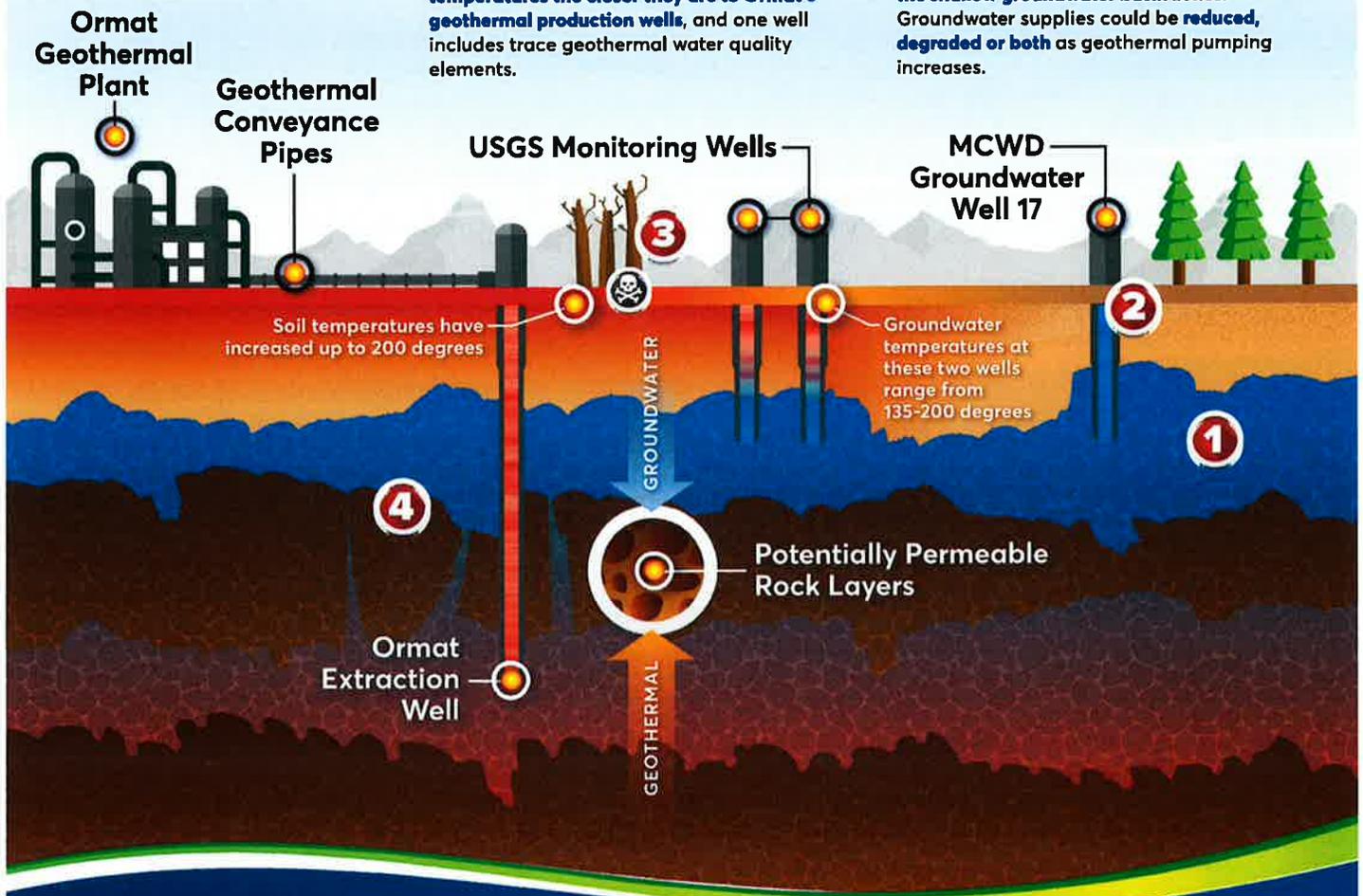
Geothermal Pumping Threatens Local Water Supplies

ORMAT: THE WRONG WAY TO PRODUCE CLEAN ENERGY

CLEAN ENERGY MUST NOT COME AT THE COST OF RELIABLE WATER SUPPLIES

As California expands geothermal energy, an examination of how geothermal projects operate, monitor and mitigate for impacts will ensure the long-term availability of water resources.

- 1** Groundwater aquifers provide water to Mammoth Lakes' homes and businesses. Due to the persistent drought, the Mammoth Lakes community is almost entirely dependent on groundwater supplies as surface water diminishes.
- 2** The Mammoth Community Water District (MCWD) has wells that record hotter temperatures the closer they are to Ormat's geothermal production wells, and one well includes trace geothermal water quality elements.
- 3** The U.S. Geological Survey has revealed an increase in tree deaths in the areas closest to Ormat's expanded operations. Rising soil temperatures and hydrogen sulfide concentrations can be attributed to geothermal production.
- 4** Fractured rock may be allowing flows between the deep geothermal zones and the shallow groundwater basin zones. Groundwater supplies could be reduced, degraded or both as geothermal pumping increases.



Find out more by visiting www.mcwd.dst.ca.us



ORMAT UPDATE

Geothermal Pumping Threatens Local Water Supplies



ORMAT'S ENVIRONMENTAL ANALYSIS IS FLAWED IN MANY WAYS



Various 'experts' who opined on the lack of potential groundwater impacts were paid for by Ormat



Inadequate attention was given to MCWD's expressed concerns



The modeling used to justify the project was not designed to address the vulnerability of local water supplies to geothermal pumping

CASA DIABLO IV

Ormat Technologies' (Ormat) proposed geothermal expansion, Casa Diablo IV, will double geothermal pumping near the Town of Mammoth Lakes. The Great Basin Unified Air Pollution Control District and the U.S. Bureau of Land Management approved the project's environmental document despite an inadequate impact analysis and strong opposition from MCWD, elected officials and local community groups.

WHAT DOES THIS MEAN FOR OUR COMMUNITY?

Geothermal water extraction could reduce water supplies at a time when we need it most.

Studies in the Mammoth Lakes groundwater basin have produced data suggesting that geothermal reservoirs could be connected to local water supply aquifers and the ground surface. This information indicates that geothermal operations could significantly impact the quality and quantity of the community's water supply.

Clean energy must not come at the cost of critical water supplies that serve our communities, or negatively impact other environmental resources.

Appropriate measures must be put in place to ensure sustainable, safe and reliable water supplies for our community.

THERE IS A RIGHT WAY AND A WRONG WAY TO DEVELOP CLEAN ENERGY SOURCES

For Mammoth Lakes, the right way for Ormat to conduct geothermal operations in our Town includes:

- ▶ *Carefully monitoring the impacts its operations may be having on the quality and quantity of our groundwater supplies and forest resources;*
- ▶ *Mitigating for impacts; and*
- ▶ *Ensuring problems do not persist.*

MCWD continues fighting on behalf of the community, while protecting taxpayer dollars, for a more comprehensive plan to protect our environment and groundwater resources.



Find out more by visiting www.mcwd.dst.ca.us





**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Letter from Southern California
Edison

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Correspondence dated December 3, 2015 from Southern California Edison regarding Mono County's new Governmental Affairs Representative, Rudy Gonzales.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Helen Nunn

PHONE/EMAIL: x5534 / hnunn@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
**PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Letter from SCE</p>
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History

Time	Who	Approval
12/24/2015 10:58 AM	County Administrative Office	Yes
12/28/2015 2:36 PM	County Counsel	Yes

12/16/2015 2:56 PM

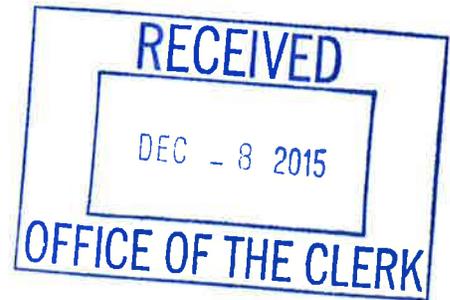
Finance

Yes



December 3, 2015

The Honorable Tim Alpers
Supervisor
Mono County
PO Box 263
Lee Vining, CA 93541



Dear Supervisor Alpers:

As you may be aware, Southern California Edison (SCE) is redesigning how we operate and continually looking for ways to improve and support our customer's needs. We are writing with information on the changes taking place in our Government Affairs organization as part of this company-wide improvement effort.

Our Government Affairs team has played a partnership role with you working to understand your needs and respond to your important issues and concerns. We will continue to be that partner and have assigned a dedicated contact person to every city and county. Our newly assigned Government Affairs Representatives will each manage a larger portfolio of cities than in the past, but will also have greater support in dealing with issues proactively. This will help us identify issues earlier, resolve them faster and reduce instances where there's a need to respond after a problem arises.

We are pleased to inform you that your new Government Affairs Representative is:

Rudy Gonzales
805-402-4403 / rudolph.gonzales@sce.com

You will receive an introductory call from your representative. Please do not hesitate to contact your representative, or either of us, if we can be of assistance.

We are committed to continuing to be a responsive partner, working with you to address issues of mutual interest and concern. This includes improving service to our customers through better coordination and advanced notice of infrastructure work necessary to prepare the power network for future technologies. While we will not be able to eliminate emergency work, we hope that improved communication and better coordination of our work will reduce the impact to our customers and your constituents.

SCE is changing so that it can continue to deliver high quality service and to support our customer's new and emerging needs. While our business is changing, our strong commitment to our customers and the communities we serve is not changing. We remain focused on safely providing our customers with affordable, reliable and clean energy.

Handwritten signature of Gaddi Vasquez in black ink.

Gaddi Vasquez
Senior Vice President
Government Affairs

Handwritten signature of Veronica Gutierrez in black ink.

Veronica Gutierrez
Vice President
Public Affairs



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Letter from Fish and Game
Commission

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Correspondence dated December 11, 2015 received from the Fish and Game Commission regarding a Notice of Proposal for a 90 Day Extension of Emergency Action to extend existing emergency regulations establishing measures for fisheries at risk due to drought conditions.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Helen Nunn

PHONE/EMAIL: x5534 / hnunn@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
**PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Corr Fish and Game Commission](#)

History

Time

12/24/2015 10:56 AM

Who

County Administrative Office

Approval

Yes

12/28/2015 12:09 PM

County Counsel

Yes

12/18/2015 9:53 AM

Finance

Yes

Commissioners
Jack Baylis, President

Los Angeles

Jim Kellogg, Vice President

Discovery Bay

Jacque Hostler-Carmesin, Member

McKinleyville

Eric Sklar, Member

Saint Helena

Anthony C. Williams, Member

Huntington Beach

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Sonke Mastrup, Executive Director

1416 Ninth Street, Room 1320

Sacramento, CA 95814

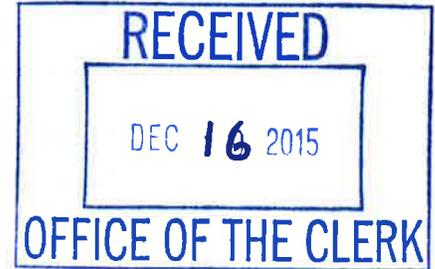
(916) 653-4899

www.fgc.ca.gov

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870



December 11, 2015

NOTICE OF PROPOSAL FOR A 90 DAY EXTENSION OF EMERGENCY ACTION Measures for Fisheries at Risk Due to Drought Conditions

Reference OAL File #2015-0626-01E

Pursuant to the requirements of Government Code subsections 11346.1(a)(2) and 11346.1(h), the Fish and Game Commission (Commission) is providing notice of proposed extension of existing emergency regulations, establishing measures for fisheries at risk due to drought conditions.

The objective of this re-adoption is to protect fisheries under critical conditions stemming from various conditions by establishing a set of triggers to guide fishing closures and reopening actions. Closures occur when specific triggering events occur, including water temperatures exceeding 70°F for over eight hours a day for three consecutive days. Other triggers include oxygen levels, water level, and breeding population. The Commission authorized staff to publish notice of intent to permanently implement Section 8.01, Title 14, CCR, at its December 10, 2015, meeting in San Diego, CA. Consideration for adoption of the regular rulemaking is scheduled for the April 14, 2016, Commission meeting in Santa Rosa.

SUBMISSION OF COMMENTS

Government Code Section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a Notice of the Proposed Emergency Action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to OAL, OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code Section 11349.6.

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at OAL within five days after the Commission submits the emergency regulations to OAL for review.

Please reference submitted comments as regarding "Fisheries at Risk" addressed to:

Mailing Address: Reference Attorney
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

California State
Fish and Game Commission
Attn: Jon Snellstrom
1416 Ninth Street, Rm. 1320
Sacramento, CA 95814

E-mail Address: staff@oal.ca.gov

fgc@fgc.ca.gov

Fax No.: 916-323-6826

For the status of the Commission's submittal to OAL for review, and the end of the five-day written submittal period, please consult OAL's website at <http://www.oal.ca.gov> under the heading "Emergency Regulations."

CALIFORNIA FISH AND GAME COMMISSION
STATEMENT OF PROPOSED EMERGENCY REGULATORY ACTION

Emergency Action to
Add Section 8.01,
Title 14, California Code of Regulations
Re: Special Measures for Fisheries at Risk due to Drought Conditions

I. Statement of Facts Constituting the Need for Emergency Regulatory Action

California continues to suffer under severe drought conditions with record low snow packs in 2014 and 2015. In early 2014, Governor Edmund G. Brown Jr. proclaimed a State of Emergency for California directing state officials to take all necessary actions to prepare for the record level of drought conditions and also signed an Executive Order redoubling state drought actions with additional measures to strengthen the state's response to drought. On April 1, 2015, the Governor ordered state agencies to impose statewide mandatory water restrictions that will save water, increase enforcement against water waste, streamline the state's drought response, and invest in new drought resilient technologies for California.

The hydrological conditions in 2015 are expected to deteriorate from the record low 2014 conditions. The Department of Fish and Wildlife (Department) continues to evaluate and manage the changing impacts of drought on threatened and endangered species and species of special concern, and develop contingency plans for state Wildlife Areas and Ecological Reserves to manage reduced water resources in the public interest.

Statewide water quality and quantity in many systems is likely to be inadequate to support fisheries as the summer progresses, resulting in impeded passage of spawning fish, increased vulnerability to mortality from predation and physiological stress, and increased angling harvest and/or hooking mortality. Furthermore, survival of eggs and juvenile fish in these systems over the coming months will be extremely low. The historically low water conditions will concentrate coldwater fish populations into shrinking pools of cold water habitat making them easy prey for illegal angling methods such as snagging, increased hooking mortality due to legal catch and release, over-harvest, as well as other human-related disturbances within their freshwater habitat. When coupled with drought-related environmental stressors, such as high water temperature, low dissolved oxygen, and severely reduced suitable habitat, these stressors can seriously affect reproductive success and survival rates.

Since 2014, the Department has worked with the Fish and Game Commission (Commission), using the best available science, to determine whether restricting fishing in certain areas will become necessary and prudent as drought conditions persist. The Department and the Commission have determined that a temporary approach is needed to give the Department effective tools to respond more rapidly to the deteriorating water quality and quantity conditions in California's waters for 2015.

Regulatory Proposal

Environmental conditions resulting from the drought may require temporary restrictions on fishing to protect fish populations and sustain future opportunity. These conditional changes may affect each waterbody and fish population differently based on hydrological responses to the drought. Increased angling mortality, harvest, and angling pressure are the key components used to evaluate potential effects associated with degraded environmental conditions and will need to be evaluated on a water by water basis and over time as conditions change.

To ensure that fisheries are protected under critical conditions stemming from the drought, the Department is proposing a set of triggers to guide fishing closure and reopening decisions. The Department's decision to close or open a water will be based on the most current information available, collected by professional staff trained in the associated fields. Criteria for evaluating aquatic conditions are based on site-specific monitoring efforts with an emphasis on listed fish species, species of special concern, and gamefish.

The following proposed criteria will be used to determine if an emergency fishing closure or associated reopening is warranted:

Any water of the state not currently listed in Section 8.00 of these regulations may be closed to fishing by the Department when the Director, or his or her designee, determines one or more the following conditions have been met:

- Water temperatures in occupied habitat exceed 70° Fahrenheit for over eight hours a day for three consecutive days.
- Dissolved oxygen levels in occupied habitat drop below 5 mg/L for any period of time over three consecutive days.
- Fish passage is impeded or blocked for fish species that rely on migration as part of a life history trait.
- Water levels for ponds, lakes and reservoirs drop below 10% of their capacity.
- Adult breeding population levels are estimated to be below 500 individuals.

All waters closed pursuant to this section will be reopened by the Department when the Director, or his or her designee, determines all of the following conditions have been met:

- Water temperatures in occupied habitat do not exceed 70° Fahrenheit for over eight hours a day for seven consecutive days.
- Dissolved oxygen levels in occupied habitat rise above 5 mg/L and are maintained at that level for seven consecutive days.
- Fish passage is available and that no impediment exists to strand or concentrate adults or juveniles during their migration.
- Water levels for ponds, lakes and reservoirs have recovered to greater than 10% of their capacity.
- Adult breeding populations are estimated to be recovered to greater than 500 individuals.

Justification and associated data for closure and reopening decisions will be provided to the Commission for any water that is subject to a fishing closure.

The Department and the Commission will work together to formulate a regular rulemaking proposal that will refine the approach and associated language based on experiences learned, feedback from the public, and revisions to increase the efficacy of this emergency action.

II. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

- (a) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(b) Nondiscretionary Costs/Savings to Local Agencies:
None.

(c) Programs Mandated on Local Agencies or School Districts:
None.

(d) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:
None.

(e) Effect on Housing Costs:
None.

III. Authority and Reference

The Fish and Game Commission proposes this emergency action pursuant to the authority vested by sections 200, 202, 205, 240, and 315 of the Fish and Game Code and to implement, interpret, or make specific sections 200, 202, 205, 240, and 315 of said Code.

IV. Section 240 Finding

Pursuant to Section 240 of the Fish and Game Code, the Commission finds that the adoption of this regulation is necessary for the immediate conservation, preservation, or protection of birds, mammals, reptiles, or fish, including, but not limited to, any nests or eggs thereof.

Informative Digest (Plain English Overview)

California continues to suffer under severe drought conditions with record low snow packs in 2014 and 2015. In early 2014, Governor Edmund G. Brown Jr. proclaimed a State of Emergency for California directing state officials to take all necessary actions to prepare for the record level of drought conditions and also signed an Executive Order redoubling state drought actions with additional measures to strengthen the state's response to drought. On April 1, 2015, the Governor ordered state agencies to impose statewide mandatory water restrictions that will save water, increase enforcement against water waste, streamline the state's drought response, and invest in new drought resilient technologies for California.

The hydrological conditions in 2015 are expected to deteriorate from the record low 2014 conditions. The Department of Fish and Wildlife (Department) continues to evaluate and manage the changing impacts of drought on threatened and endangered species and species of special concern, and develop contingency plans for state Wildlife Areas and Ecological Reserves to manage reduced water resources in the public interest.

Statewide water quality and quantity in many systems is likely to be inadequate to support fisheries as the summer progresses, resulting in impeded passage of spawning fish, increased vulnerability to mortality from predation and physiological stress, and increased angling harvest and/or hooking mortality. Furthermore, survival of eggs and juvenile fish in these systems over the coming months will be extremely low. The historically low water conditions will concentrate coldwater fish populations into shrinking pools of cold water habitat making them easy prey for illegal angling methods such as snagging, increased hooking mortality due to legal catch and release, over-harvest, as well as other human-related disturbances within their freshwater habitat. When coupled with drought-related

environmental stressors, such as high water temperature, poor water quality, and severely reduced suitable habitat, these stressors can seriously affect reproductive success and survival rates.

Since 2014, the Department has worked with the Fish and Game Commission (Commission), using the best available science, to determine whether restricting fishing in certain areas will become necessary and prudent as drought conditions persist. The Department and the Commission have determined that a temporary approach is needed to give the Department effective tools to respond more rapidly to the deteriorating water quality and quantity conditions in California's rivers and streams for 2015.

The following proposed criteria will be used to determine if an emergency fishing closure or associated reopening is warranted:

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- Dissolved oxygen levels in occupied habitat drop below 5 mg/L for any period of time over three consecutive days.
- Fish passage is impeded or blocked for fish species that rely on migration as part of a life history trait.
- Water levels for ponds, lakes and reservoirs drop below 10% of their capacity.
- Adult breeding population levels are estimated to be below 500 individuals.

All waters closed pursuant to this section will be reopened by the Department when the Director, or his or her designee, determines all of the following conditions have been met:

- Water temperatures in occupied habitat do not exceed 70° Fahrenheit for over eight hours a day for seven consecutive days.
- Dissolved oxygen levels in occupied habitat rise above 5 mg/L and are maintained at that level for seven consecutive days.
- Fish passage is available and that no impediment exists to strand or concentrate adults or juveniles during their migration.
- Water levels for ponds, lakes and reservoirs have recovered to greater than 10% of their capacity.
- Adult breeding populations are estimated to be recovered to greater than 500 individuals.

Justification and associated data for closure and reopening decisions will be provided to the Commission for any water that is subject to a fishing closure.

The Department and the Commission will work together to formulate a regular rulemaking proposal that will refine the approach and regulatory language based on experiences learned, feedback from the public, and revisions to increase the efficacy of this emergency action.

Benefits: The proposed regulation will provide benefits to the environment through the conservation and preservation of listed species, species of special concern, and gamefish populations.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Legislature has delegated authority to the Commission to promulgate sport fishing regulations (sections 200, 202, 205, 240, and 315 Fish and Game Code).

At the June 11, 2015 meeting, the Commission approved the proposed emergency regulations with the addition of the Department web site: <https://www.wildlife.ca.gov/Regulations> as another avenue to provide public notification of the Department actions under the temporary emergency regulations.

**FISH AND GAME COMMISSION
STATEMENT OF EMERGENCY ACTION
FOR RE-ADOPTION OF EMERGENCY REGULATIONS**

Emergency Action to Re-adopt Section 8.01, Title 14, CCR,
Re: Fisheries at Risk

I. Request for Approval of Re-adoption of Emergency Regulations

In response to the continued extreme drought conditions, the Department of Fish and Wildlife (Department) is requesting that the Fish and Game Commission (Commission) extend the Department's authority set forth in Section 8.01, Title 14 of the California Code of Regulations, to temporarily close fisheries that are experiencing rapidly degrading environmental conditions within waters of the state. The Department requests that the Commission readopt the emergency regulations that went into effect on July 2, 2015 for an additional period of 90 days while a Certificate of Compliance rulemaking is under consideration.

II. Emergency Regulation in Effect to Date

On January 17, 2014, Governor Edmund G. Brown Jr. proclaimed a State of Emergency to exist in California due to severe drought conditions. As part of the declaration, the Governor ordered the Department to work with the Commission, using the best available science, to determine whether restricting fishing in certain areas would become necessary and prudent as drought conditions persist.

Over the next several months, environmental conditions resulting from the drought requires temporary restrictions on fishing on parts of four rivers to protect fish populations and sustain future opportunity. The Department and the Commission determined that another approach was needed to give the Department more efficient tools to provide quicker response to deteriorating water quality and quantity conditions in California's waters. As a result, on June 11, 2015, the Commission adopted emergency regulations which established a process to temporarily close fisheries experiencing degraded environmental conditions that may affect fish populations or their habitat within waters of the state. The criteria set forth in these regulations are intended to ensure that fisheries are protected under critical conditions stemming from the drought.

Since adoption of the emergency regulations the Department has implemented one emergency fishing closure on state waters, of the lower Merced River, on August 18, 2015. The Department used the criteria established in subsection (b) of Section 8.01 to determine that a closure was warranted.

Following protocol, the Department held a public meeting in Merced prior to the fishing closure. In addition, the Department provided the Commission the

biological data used to justify the closure and made the data available to the public on the Department's Emergency Fishing Closure webpage. The Department and Commission are currently working together to formulate a regular rulemaking proposal that will refine the approach and associated language based on experience and feedback from the public, and with revisions to increase the efficacy of this emergency action.

III. Statement of Emergency

The hydrological conditions in 2015 deteriorated from the record low 2014 conditions. The Department of Fish and Wildlife (Department) continues to evaluate and manage the changing impacts of drought on threatened and endangered species and species of special concern, and to develop contingency plans for state Wildlife Areas and Ecological Reserves to manage reduced water resources in the public interest.

Statewide water quality and quantity in many systems is likely to be inadequate to support fisheries until significant and sustained rain and snow accumulate, resulting in impeded passage of spawning fish, increased vulnerability to mortality from predation and physiological stress, and increased angling harvest and/or hooking mortality. Furthermore, survival of eggs and juvenile fish in these systems over the coming months is expected to be extremely low. The historically low water conditions will continue to concentrate coldwater fish populations into shrinking pools of cold water habitat making them easy prey for illegal angling methods such as snagging, increased hooking mortality due to legal catch and release, over-harvest, as well as other human-related disturbances within their freshwater habitat. When coupled with drought-related environmental stressors, such as high water temperature, low dissolved oxygen, and severely reduced suitable habitat, these stressors can seriously affect reproductive success and survival rates.

Since 2014, the Department has worked with the Commission using the best available science, to determine whether restricting fishing in certain areas will become necessary and prudent as drought conditions persist. The Department and Commission have determined that a temporary approach is needed to give the Department effective tools to respond more rapidly to deteriorating water quality and quantity conditions in California's waters for 2015 and early 2016.

V. Re-adoption Criteria

1) Same or Substantially Equivalent

Pursuant to Government Code Section 11346.1(h), the text of a re-adopted regulation must be the "same or substantially equivalent" to the text of the original emergency regulation. The proposed language for the re-adopted

regulatory amendment is the same as the language of the original emergency regulation.

(2) Substantial Progress

Government Code Section 11346.1(h) specifies that the emergency rulemaking agency must demonstrate that it is making "substantial progress and has proceeded with due diligence" to comply with the standard rulemaking provisions. The Commission, at its December 10, 2015 meeting was requested by the Department to authorize staff to file this emergency readopt, as well as file notice of its intent to file a Certificate of Compliance.

Work on the emergency standard has been conducted by DFW biologists to determine longer term impacts which necessitated filing the notice of the Commission's intent to file a Certificate of Compliance in December. Due to the statutory requirement for the Commission to hear the proposed Certificate of Compliance rulemaking at its February 11, 2016 and April 14, 2016 meetings, it is necessary for the Commission to request this first Emergency Readopt for a period of 90-days, followed by a second 90 day request which is proposed to be voted on at the Commission's March 15, 2016 teleconference.

Regulatory Language

Section 8.01, Title 14, CCR is added to read:

Section 8.01. Special ~~Gear Provisions~~[Repealed]Measures for Fisheries at Risk due to Drought Conditions.

(a) In response to continued extreme drought conditions, the commission has established a quick response process to temporarily close fisheries experiencing degraded environmental conditions that may affect fish populations or their habitat within waters of the state. The criteria set forth in subsections (b) and (c) are intended to ensure that fisheries are protected under critical conditions stemming from the drought. These criteria will be monitored in statewide inland fisheries, and they will be evaluated on a water by water basis over time as conditions change.

(b) The department may close to angling any waters of the state not currently listed in Section 8.00 of these regulations if the director, or his or her designee, finds one or more of the following conditions have been met:

(A) Water temperatures in occupied habitat exceed 70° Fahrenheit for over eight hours a day for three consecutive days

(B) Dissolved oxygen levels in occupied habitat drop below 5 mg/L for any period of time over three consecutive days.

(C) Fish passage is impeded or blocked for fish species that rely on migration as part of a life history trait.

(D) Water levels for ponds, lakes and reservoirs drop below 10% of their capacity.

(E) Adult breeding population levels are estimated to be below 500 individuals.

(c) Waters closed pursuant to subsection (b) shall be reopened by the department when the director, or his or her designee, finds all of the following conditions have been met:

(A) Water temperatures in occupied habitat do not exceed 70° Fahrenheit over eight hours a day for seven consecutive days

(B) Dissolved oxygen levels in occupied habitat rise above 5 mg/L and are maintained at that level over seven consecutive days.

(C) Fish passage is available and no impediment exists to strand or concentrate adults or juveniles during their migration.

(D) Water levels for ponds, lakes and reservoirs have recovered to greater than 10% of their capacity.

(E) Adult breeding population levels are estimated to be recovered to greater than 500 individuals.

(d) It shall be unlawful to take fish in any waters of the state closed to angling pursuant to this Section.

(e) Notification of department actions.

(1) The department shall maintain a list of closed waters of the state and update that list on Wednesday of each week by 1:00 pm. In the event that water conditions change later in the week, the fishing status for each specific water will not change until the day following the next Wednesday. It shall be the responsibility of the angler to use the telephone number provided below or go to the department's website at <https://www.wildlife.ca.gov/Regulations> to obtain the current status of any water. The number to call for information is (916) 445-7600.

Note: Authority cited: Sections 200, 202-and-240, 205, 240, and 315, Fish and Game Code. Reference: Sections 200, 202, 205-and-240, 240, and 315, Fish and Game Code.



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Fish and Game Commission Notice

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Copy of Notice dated December 24, 2015 from the Fish and Game Commission regarding special measures for fisheries at risk due to drought conditions.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
**PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Fish and Game Notice](#)

History

Time

12/28/2015 11:06 AM

Who

Clerk of the Board

Approval

Yes

Commissioners
Jack Baylis, President
Los Angeles
Jim Kellogg, Vice President
Discovery Bay
Richard Rogers, Member
Santa Barbara
Michael Sutton, Member
Monterey
Jacque Hostler-Carmesin, Member
McKinleyville

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

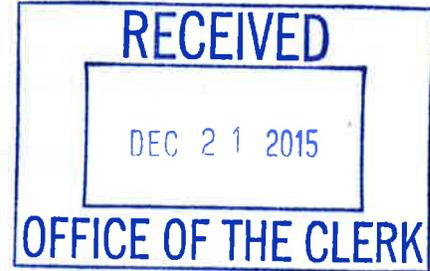
Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899

Fish and Game Commission

www.fgc.ca.gov



Wildlife Heritage and Conservation
Since 1870



December 24, 2015

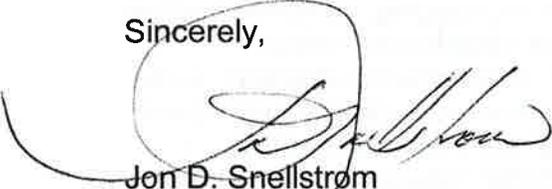
This is to provide you with a copy of the notice of proposed regulatory action relative to adding Section 8.01, Title 14, California Code of Regulations, relating to special measures for fisheries at risk due to drought conditions, which are published in the California Regulatory Notice Register on December 25, 2015.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Additional information and all associated documents may be found on the Fish and Game Commission website at www.fgc.ca.gov.

Mr. Roger Bloom, Fisheries Branch, phone (916) 445-3777, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,



Jon D. Snellstrom
Associate Governmental Program Analyst

Attachment

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 205, 240 and 315 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 205, 240, and 315 of said Code, proposes to add Section 8.01, Title 14, California Code of Regulations (CCR), relating to special measures for fisheries at risk due to drought conditions.

Informative Digest/Policy Statement Overview

California has recently experienced severe drought conditions with record low snow pack in 2015. In early 2014, Governor Edmund G. Brown Jr. proclaimed a State of Emergency to exist in California and ordered the Department to work with the Commission, using the best available science, to determine whether restricting fishing in certain areas will become necessary and prudent as drought conditions persist. On April 1, 2015, the Governor ordered state agencies to impose statewide mandatory water restrictions that will save water, increase enforcement against water waste, streamline the state's drought response, and invest in new drought resilient technologies for California.

The Department of Fish and Wildlife (Department) continues to evaluate and manage the changing impacts of drought on threatened and endangered species and species of special concern, and develop contingency plans for state Wildlife Areas and Ecological Reserves to manage reduced water resources in the public interest.

Statewide water quality and quantity in many systems will likely be inadequate to support fisheries if existing environmental conditions persist, resulting in impeded passage of spawning fish, increased vulnerability to mortality from predation and physiological stress, and increased angling harvest and/or hooking mortality. Furthermore, survival of eggs and juvenile fish in these systems experiencing degraded habitats could be extremely low. The historically low water conditions may concentrate cold water fish populations into shrinking pools of cold water habitat making them easy prey for illegal angling methods such as snagging, increased hooking mortality due to legal catch and release, over-harvest, as well as other human-related disturbances within their freshwater habitat. When coupled with environmental stressors, such as high water temperature, low dissolved oxygen, and severely reduced suitable habitat, these stressors can seriously affect reproductive success and survival rates. Although habitat conditions can recover with the onset of good water quality, reduced population levels caused by drought conditions could still threaten the persistence and resilience of the fishery.

Since 2014, the Department has worked with the Fish and Game Commission (Commission), using the best available science, to determine whether restricting fishing in certain areas will become necessary and prudent as habitat conditions degrade and or fish populations drop below a sustainable level. On June 11, 2015, the Commission adopted emergency regulations which establish a quick response process to temporarily close fisheries experiencing degraded environmental conditions that may affect fish populations or their habitat within waters of the state. These emergency regulations went into effect on July 2, 2015 and will expire on December 31, 2015.

To ensure that fisheries are protected now and in the future, the Department is proposing that the Commission make permanent the emergency regulations set forth in Section 8.01, Title 14, CCR, as amended herein.

Regulatory Proposal

Environmental conditions resulting in degraded habitat quality and or extremely low population size may require temporary restrictions on fishing to protect fish populations and sustain future opportunity. These conditional changes may affect each waterbody and fish population differently based on various abiotic and biotic factors. Increased angling mortality, harvest, angling pressure, and fish population size are the key components used to evaluate potential effects associated with degraded environmental conditions and will need to be evaluated on a water by water basis and over time as conditions change.

To ensure that fisheries are protected under critical conditions, the Department is proposing a set of triggers to guide fishing closure and reopening decisions. The Department's decision to close or open individual waters will be based on the most current information available, collected by professional staff trained in the associated fields. Criteria for evaluating aquatic conditions are based on site-specific monitoring efforts with an emphasis on listed fish species, species of special concern, and gamefish.

The following proposed criteria will be used to determine if a fishing closure or associated reopening is warranted:

Any water of the state not currently listed in Section 8.00 of these regulations may be closed to fishing by the Department when the Director, or his or her designee, determines one or more the following conditions have been met:

- Water temperatures in occupied habitat exceed 70° Fahrenheit for over eight hours a day for three consecutive days.
- Dissolved oxygen levels in occupied habitat drop below 5 mg/L for any period of time over **two** consecutive days.
- Fish passage is impeded or blocked for fish species that rely on migration as part of a life history trait.
- Water levels for ponds, lakes and reservoirs drop below 10% of their capacity.
- Adult breeding population levels are estimated to be below **50 individuals for a sub-population and 500 individuals for a standard population.**

All waters closed pursuant to this section will be reopened by the Department when the Director, or his or her designee, determines the initial closure-based criteria are no longer met and **water temperatures do not exceed 70° Fahrenheit for over eight hours a day for 14 consecutive days and dissolved oxygen remains above 5 mg/L for 14 consecutive days.**

Proposed Regulatory Changes from Emergency Regulations:

The Department proposes additional modifications to the originally approved "emergency" text as shown in bold above due to further review of scientific literature as follows:

1. A consecutive 48 hour (two days) exposure rate for dissolved oxygen provides a better basis to address natural variability and risk for juvenile and early life stages of fish.
2. The Department is proposing to use the 50/500 rule in evaluating angling closures to address the effects on both the localized level for smaller sub-populations and larger meta-population complexes.
3. The Department is proposing an extended period of recovery for water temperature and dissolved oxygen closures to account for natural variability and fluctuations once the upper limits for water temperature and dissolved oxygen have been exceeded.

Justification and associated data for closure and reopening decisions will be provided to the Commission for any water that is subject to a fishing closure.

Benefits of the regulations

As set forth in Fish and Game Code section 1700 it is "the policy of the state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local fisheries and distant-water fisheries based in California in harmony with international law respecting fishing and the conservation of the living resources of the oceans and other waters under the jurisdiction and influence of the state.

Adoption of scientifically-based criteria for angling closures due to adverse habitat conditions provides for the protection and maintenance of sport fish populations to ensure their continued existence. The benefits of the proposed regulations are in sustainable management of the State's sport fish resources, and the businesses that rely on sport fishing in California.

Consistency with State and Federal Regulations

Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate recreational fishing in waters of the state (Fish & Game Code, §§ 200, 202, 205). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to angling closures to protect sport fish populations. Further, the Commission has determined that there are no existing comparable federal regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, February 11, 2016 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Flamingo Conference Resort & Spa, 2777 Fourth Street, Santa Rosa, CA 95405, California, on Thursday, April 14, 2016, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below or by e-mail to FGC@fgc.ca.gov. Written comments mailed or e-mailed to the Commission office, must be received before 12:00 noon on April 12, 2016. All comments must be received no later than April 14, 2016, at the hearing location listed above. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Jon Snellstrom at the preceding address or phone number. **Roger Bloom, Department of Fish and Wildlife, phone (916) 445-3777, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action is not anticipated to have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the expected impact of the proposed regulations on the amount of fishing activity is anticipated to be minimal relative to recreational angling effort statewide.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The expected impact of the proposed regulations on the amount of fishing activity is anticipated to be minimal relative to recreational angling effort statewide. Therefore the Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing business or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. Protecting fish populations during poor habitat conditions ensures the maintenance of the fishery and is needed to ensure future opportunity for California anglers. Recreational angling is a healthy outdoor activity that encourages consumption of a nutritious food.

The Commission does not anticipate any non-monetary benefits to worker safety because the proposed regulations do not affect working conditions.

The Commission anticipates benefits to the environment by the sustainable management of California's sport fishing resources.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

(h) Effect on Housing Costs:

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated: December 15, 2015



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Clerk of the Board

TIME REQUIRED

SUBJECT Suddenlink Notification

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Information received from Suddenlink dated December 22, 2015, regarding notification of various rate adjustments.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> suddenlink</p>

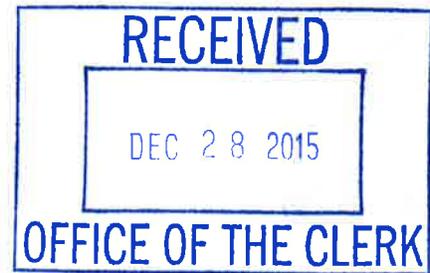
History

Time	Who	Approval
12/28/2015 12:17 PM	Clerk of the Board	Yes



December 22, 2015

Clerk of the Board – County of Mono
Lynda Roberts
P.O. Box 715
Bridgeport, CA 93517



UPDATED RATE ADJUSTMENT NOTIFICATION:

In the past year, Suddenlink has continued making significant investments, adding TV channels requested by our customers and increasing Internet download speeds, among other improvements.

As we make these investments, we strive to keep prices as low as possible, but the underlying cost of our services continues to rise. These rising costs are led by TV programming, the increases to which are largely driven by three factors:

- **Sports programming** and the multi-billion dollar deals signed between leagues, conferences, and TV channel owners
- Dramatic increases to the **fees TV station owners are allowed to charge**, by federal law, for signals they transmit for free over the air
- **Contract renewals**, wherein media companies (both those with and without sports programming) seek to reset channel fees well above the rate of inflation; make access to popular channels contingent on payment for less popular channels; and frequently require their channels to be distributed as part of widely subscribed bundles, which further increases the cost to consumers.

These and other factors make certain adjustments to service prices necessary. When reviewing the list of adjustments, please recall that we have **bundled packages of two or more services that can help many customers off-set these adjustments and potentially save money**. Nearly two out of three Suddenlink customers have already taken advantage of such offers, and we will continue to communicate those options to our customers.

With those points in mind, here is a summary of what will and will not be adjusted.

- There will be *no change* to the standard rates for telephone service, limited basic TV service, expanded or full basic TV service, incremental digital tiers of TV service, and video equipment.
- In the February 2016 billing cycle, there will be a ...
 - \$1.00 per month increase to the standard rate for HBO
 - **\$1.58** per month increase to the broadcast station surcharge, which covers the escalating fees charged by broadcast TV station owners. (Recall that federal law

permits TV station owners to charge companies like ours for the signals they broadcast freely over the air. As we have always done, we will not collect more from this surcharge than we pay to broadcast TV station owners.)

- To cover a portion of the skyrocketing cost of dedicated sports channels and general entertainment channels with sports programming, some customers with expanded or full basic TV service will see a \$2.15 per month increase to the sports programming surcharge in the February 2016 billing cycle, while others will see this increase later in 2016, depending on when they ordered the noted TV service.
 - Recall that the owners of major sports channels require us to package those channels in a large, diverse bundle of channels to which a sizable majority of customers subscribe.
 - Requirements like these prevent us from placing the most-expensive sports channels on a separate level of service that customers could select and pay for *at their discretion*.
 - We share our customers' frustration with this situation and are working with others to seek greater flexibility in how we're allowed to package and sell TV channels, to help control costs and offer more economical choices.
- To cover the rising cost of network expenses, some customers who have Internet service outside of a current promotional offer will see a \$3.50 per month increase in the February 2016 billing cycle, while others will see this increase later in 2016, depending on when they ordered the service.
- Taxes, fees, and surcharges will be adjusted accordingly.

Thank you for your time and please don't hesitate to contact me at the number below, should you have any questions.

Sincerely,

Jason Oelkers

Jason Oelkers
(530) 550.3922



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Clerk of the Board

TIME REQUIRED 30 minutes (5 minute presentation;
25 minute discussion)

PERSONS APPEARING BEFORE THE BOARD Shannon Kendall; Board Chair

SUBJECT Supervisors' Appointments to
Boards, Commissions and
Committees

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Mono County Supervisors serve on various boards, commissions and committees for one-year terms that expire on December 31st. Each January, the Board of Supervisors makes appointments for the upcoming year.

RECOMMENDED ACTION:

Appoint Supervisors to boards, commissions and committees for 2016.

FISCAL IMPACT:

None.

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Boards Committees 2016 Staff Rpt](#)

[Board Appointments 2015](#)

[Board Membership List 2015](#)

History

Time	Who	Approval
12/24/2015 11:15 AM	County Administrative Office	Yes
12/28/2015 2:45 PM	County Counsel	Yes
12/1/2015 2:08 PM	Finance	Yes



Larry Johnston ~ District One Fred Stump ~ District Two Tim Alpers ~ District Three
Tim Fesko ~ District Four Byng Hunt ~ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5538 • FAX (760) 932-5531

Bob Musil, Clerk of the Board

To: Honorable Board of Supervisors

From: Shannon Kendall, Assistant Clerk of the Board

Date: January 5, 2016

Subject

Boards, Commissions, and Committees

Recommendation

Appoint Supervisors to boards, commissions, and committees for 2016.

Discussion

The Mono County Supervisors serve on various boards, commissions, and committees for one-year terms that expire on December 31st. Each January, the Board of Supervisors makes appointments for the upcoming year.

Regarding the appointments to RCRC Environmental Services Joint Powers Authority (ESJPA), in the past the Board of Supervisors has appointed Tony Dublino to act as an alternate delegate with all rights and privileges of the Delegate, including the right to be counted in constituting a quorum, to participate in the proceedings of the ESJPA, and to vote upon any and all matters. Please keep this in mind when reviewing appointments to the RCRC ESJPA.

Fiscal Impact

None

MONO COUNTY BOARD MEMBERS
APPOINTED TO COMMISSIONS & COMMITTEES
2015

LARRY JOHNSTON – SUPERVISOR DISTRICT #1

Airport Land Use Commission (Alternate)
Alcohol, Drug, Mental Health combined Advisory Board (Alternate)
CSAC (California State Association of Counties)
Eastern Sierra Council of Governmental Entities
Great Basin Unified Air Pollution Control District
IMACA (Inyo Mono Advocates for Community Action)
Local Transportation Commission (??, Alternate)
Mammoth Lakes Housing
Mammoth Mountain Ski Area Liaison Committee (Alternate)
Town-County Liaison Committee (Alternate)
Treasury Oversight Committee
YARTS JPA (Alternate)

FRED STUMP – SUPERVISOR DISTRICT #2

Airport Land Use Commission
Community Corrections Partnership
Emergency Services Council (ex-officio chair)
Great Basin Unified Air Pollution Control District
Local Agency Formation Commission (LAFCO)
Local Transportation Commission (Lynda Salcido, Alternate)
Mono County Senior Citizens Program
Town-County Liaison Committee
Treasury Oversight Committee (Alternate)

TIM ALPERS – SUPERVISOR DISTRICT #3

Central Sierra Conservation Resource Development Council
Eastern Sierra Community College Committee
Eastern Sierra Council of Governmental Entities (Alternate)
Eastern Sierra Transit Authority (ESTA)
Economic Development Strategic Plan Sub-Committee

Emergency Services Council (Alternate)
Local Agency Formation Commission (LAFCO)
Mammoth Mountain Ski Area Liaison Committee
Mono County Children & Families Commission – First Five
National Association of Counties
Regional Council of Rural Counties (RCRC) / CRHMFA Homebuyers Fund &
Environmental Services Joint Powers Authority (Alternate)
YARTS JPA

TIM FESKO – SUPERVISOR DISTRICT #4

Airport Land Use Commission
Bodie Hills Coordinating Resource Management Planning Steering Committee
Central Nevada Regional Water Authority (CNRWA)
Collaborative Planning Team, Mono County
Economic Development Strategic Plan Sub-Committee
Eastern Sierra Child Support Regional Oversight Committee
Integrated Waste Management Act of 1989 Independent Hearing Panel for Local
Enforcement Agency
Law Library, Mono County
Local Transportation Commission (Tim Hansen, Alternate)
Mammoth Mountain Ski Area Liaison Committee
Mono County Senior Citizens Program
National Association of Counties (Alternate)
Regional Council of Rural Counties (RCRC), CRHMFA Homebuyers Fund &
Environmental Services Joint Powers Authority (ESJPA)

STACY CORLESS – SUPERVISOR DISTRICT #5

Alcohol, Drug, Mental Health Combined Advisory Board
California State Association of Counties (CSAC) (Alternate)
Collaborative Planning Team (Alternate)
Community Corrections Partnership (Alternate)
Eastern Sierra Council of Governmental Entities
Eastern Sierra Transit Authority (ESTA)
Emergency Services Council
Great Basin Unified Air Pollution Control District (Alternate)
Inter-Agency Visitors' Center Board of Directors
Mammoth Lakes Chamber of Commerce (ex officio member to serve as liaison)

Mammoth Lakes Housing (Alternate)

Mono County Children & Families Commission – First Five (Alternate)

Sierra Nevada Conservancy

Town-County Liaison Committee

YARTS JPA

**MONO COUNTY BOARD OF SUPERVISORS
2015 BOARD/COMMISSION/COMMITTEE MEMBERSHIP LIST**

Date of Appointment 01/06/2015 ~ Term Expires 12/31/2015

AIRPORT LAND USE COMMISSION

- Tim Fesko, Supervisor
- Fred Stump, Supervisor
- Larry Johnston, Supervisor Alternate

ALCOHOL, DRUG, MENTAL HEALTH COMBINED ADVISORY BOARD

- Stacy Corless, Supervisor
- Larry Johnston, Supervisor Alternate

BODIE HILLS COORDINATING RESOURCE MANAGEMENT PLANNING STEERING COMMITTEE

- Tim Fesko, Supervisor
- Supervisor Alpers, Supervisor Alternate

CENTRAL NEVADA REGIONAL WATER AUTHORITY (CNRWA)

- Tim Fesko, Supervisor

CENTRAL SIERRA CONSERVATION RESOURCE DEVELOPMENT COUNCIL

- Tim Alpers, Supervisor

CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC)

- Larry Johnston, Supervisor
- Stacy Corless, Supervisor Alternate

COLLABORATIVE PLANNING TEAM, MONO COUNTY

- Tim Fesko, Supervisor
- Stacy Corless, Supervisor Alternate

COMMUNITY CORRECTIONS PARTNERSHIP

- Fred Stump, Supervisor
- Stacy Corless, Supervisor Alternate

ECONOMIC DEVELOPMENT STRATEGIC PLAN SUB-COMMITTEE

- Tim Fesko, Supervisor
- Tim Alpers, Supervisor

EASTERN SIERRA CHILD SUPPORT REGIONAL OVERSIGHT COMMITTEE

- Tim Fesko, Supervisor

EASTERN SIERRA COMMUNITY COLLEGE COMMITTEE

- Tim Alpers, Supervisor

EASTERN SIERRA COUNCIL OF GOVERNMENTAL ENTITIES

- Stacy Corless, Supervisor
- Larry Johnston, Supervisor
- Tim Alpers, Supervisor Alternate

EASTERN SIERRA TRANSIT AUTHORITY (ESTA)

- Tim Alpers, Supervisor
- Stacy Corless, Supervisor (RESIGNED 3/3/15)

EMERGENCY SERVICES COUNCIL, MONO COUNTY

- Fred Stump, Supervisor (ex-officio chair)
- Stacy Corless, Supervisor
- Tim Alpers, Supervisor Alternate

GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

Air Pollution Control Officer, 157 Short Street, Suite 6, Bishop, California 93514
760-872-8211, 760-872-6109 (fax)

- Larry Johnston, Supervisor
- Fred Stump, Supervisor
- Stacy Corless, Supervisor Alternate

INTEGRATED WASTE MANAGEMENT ACT OF 1989 INDEPENDENT HEARING PANEL FOR LOCAL ENFORCEMENT AGENCY

- Tim Fesko, Supervisor

INTER-AGENCY VISITORS' CENTER BOARD OF DIRECTORS

- Stacy Corless, Supervisor

IMACA (INYO MONO ADVOCATES FOR COMMUNITY ACTION)

- Larry Johnston, Supervisor Thru 12/31/2015

LAW LIBRARY, MONO COUNTY

Board of Library Trustees

- **Tim Fesko**, Supervisor

LOCAL AGENCY FORMATION COMMISSION (LAFCO)

Scott Burns, Executive Officer (appointed 4/1/86)

- **Fred Stump**, Supervisor
- **Tim Alpers**, Supervisor
- **Larry Johnston**, Supervisor Alternate

LOCAL TRANSPORTATION COMMISSION, MONO COUNTY

- **Tim Fesko**, Supervisor (Tim Hansen, alternate)
- **Larry Johnston**, Supervisor (??, alternate)
- **Fred Stump**, Supervisor (Lynda Salcido, alternate)

MAMMOTH LAKES CHAMBER OF COMMERCE

Mailing Address: P.O. Box 3268, Mammoth Lakes, CA 93546 Phone: (760) 934-3068

- **Stacy Corless**, Supervisor (ex-officio member to serve as liaison)

MAMMOTH LAKES HOUSING

- **Larry Johnston**, Supervisor
- **Stacy Corless**, Supervisor Alternate

MAMMOTH MOUNTAIN SKI AREA LIAISON COMMITTEE

- **Tim Fesko**, Supervisor
- **Tim Alpers**, Supervisor
- **Larry Johnston**, Supervisor Alternate

MONO COUNTY CHILDREN & FAMILIES COMMISSION (FIRST 5)

P. O. Box 130, Mammoth Lakes, CA 93546, 760-924-7626, Fax 760-934-8443

- **Tim Alpers**, Supervisor
- **Stacy Corless**, Supervisor Alternate

MONO COUNTY SENIOR CITIZEN PROGRAM

- **Tim Fesko**, Supervisor
- **Fred Stump**, Supervisor

NATIONAL ASSOCIATION OF COUNTIES

- **Tim Alpers**, Supervisor
- **Tim Fesko**, Supervisor Alternate

REGIONAL COUNCIL OF RURAL COUNTIES (RCRC)/CRHMFA Homebuyers Fund & Environmental Services Joint Powers Authority (ESJPA)

1020 12th Street, Suite 200, Sacramento, California 95814

- **Tim Fesko**, Supervisor
- **Tim Alpers**, Supervisor Alternate
- **Tony Dublino**, Solid Waste (backup)

SIERRA NEVADA CONSERVANCY

Bishop Office: 351 Pacu Lane, Ste 200, Bishop, CA 93514, 760-872-1120

- **Stacy Corless**, Supervisor
- **Larry Johnston**, Supervisor Alternate

TOWN-COUNTY LIAISON COMMITTEE

- **Stacy Corless**, Supervisor
- **Fred Stump**, Supervisor
- **Larry Johnston**, Supervisor Alternate

TREASURY OVERSIGHT COMMITTEE

- **Larry Johnston**, Supervisor
- **Fred Stump**, Supervisor Alternate

YARTS JPA

- **Tim Alpers**, Supervisor
- **Stacy Corless**, Supervisor
- **Larry Johnston**, Supervisor Alternate



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Clerk of the Board

TIME REQUIRED 10 minutes

PERSONS APPEARING BEFORE THE BOARD Shannon Kendall

SUBJECT 2016 Calendar of Regular Meetings of the Board of Supervisors

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Rule 3 of the Mono County Board Rules of Procedure specifies that: an annual calendar of meetings shall be adopted by the Board at their first meeting in January. The calendar will include all known regular meetings. Any meeting may be canceled upon the order of the Chair or by a majority of Board members.

RECOMMENDED ACTION:

Approve proposed calendar of regular meetings for 2015. Cancel any agreed upon meeting for 2015.

FISCAL IMPACT:

None.

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR
**PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Staff Report 2](#)

[2016 Proposed Calander of Meetings](#)

History

Time	Who	Approval
12/24/2015 11:06 AM	County Administrative Office	Yes
12/28/2015 11:42 AM	County Counsel	Yes
12/1/2015 2:03 PM	Finance	Yes



Larry Johnston ~ District One Fred Stump ~ District Two Tim Alpers ~ District Three
Tim Fesko ~ District Four Stacy Corless ~ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5538 • FAX (760) 932-5531

Bob Musil, Clerk of the Board

To: Honorable Board of Supervisors

From: Shannon Kendall, Assistant Clerk of the Board

Date: January 5, 2016

Subject

2016 Calendar of Regular Meetings of the Board of Supervisors

Recommendation

Approve proposed calendar of regular meetings for 2016.

Discussion

Rule 3 of the Mono County Board Rules of Procedure specifies that:

An annual calendar of meetings shall be adopted by the Board at their first meeting in January. The calendar will include all known regular meetings. Any meeting may be canceled upon the order of the Chair, or by a majority of Board members.

Attached is a proposed calendar of meetings for calendar year 2016. This calendar reflects the current practice of holding the third regularly scheduled meeting of each month in the Town of Mammoth Lakes.

Fiscal Impact

None

Mono County Board of Supervisors 2016 Regular Meeting Calendar

January 5
January 12
January 19 – Mammoth Lakes

February 2
February 9
February 16 – Mammoth Lakes

March 1
March 8
March 15 – Mammoth Lakes

April 5
April 12
April 19 – Mammoth Lakes

May 3
May 10
May 17 – Mammoth Lakes

June 7
June 14
June 21 – Mammoth Lakes

July 5
July 12
July 19 – Mammoth Lakes

August 2
August 9
August 16 – Mammoth Lakes

September 6
September 13
September 20 – Mammoth Lakes

October 4
October 11
October 18 – Mammoth Lakes

November 1
November 8
November 15 – Mammoth Lakes

December 6
December 13
December 20 – Mammoth Lakes



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: Board of Supervisors

TIME REQUIRED 10 minutes (5 minute presentation; 5 minute discussion) **PERSONS APPEARING BEFORE THE BOARD** Leslie Chapman

SUBJECT Letter to Town Council and Mammoth Lakes Housing

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Letter to inform the Town Council and Mammoth Lakes Housing Board of Directors about citizen concerns around deed restricted properties in the Town of Mammoth Lakes.

RECOMMENDED ACTION:

Approve letter as written or amended and direct staff to send to the Town of Mammoth Lakes Town Council and the Mammoth Lakes Housing Board of Directors.

FISCAL IMPACT:

None.

CONTACT NAME: Leslie Chapman

PHONE/EMAIL: 760-932-5414 / lchapmam@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR **PRIOR TO 5:00 P.M. ON THE FRIDAY 32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:
Leslie Chapman

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Letter to Town of Mammoth Lakes and Mammoth Lakes Housing</p>
--

History

Time

Who

Approval

12/23/2015 5:58 AM	County Administrative Office	Yes
12/28/2015 2:39 PM	County Counsel	Yes
12/28/2015 11:29 AM	Finance	Yes



Larry Johnston~District One Fred Stump~ District Two Tim Alpers ~ District Three
Tim Fesko ~ District Four Stacy Corless ~ District Five

**BOARD OF SUPERVISORS
COUNTY OF MONO**

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5538 • FAX (760) 932-5531
Bob Musil, Clerk of the Board

December 15, 2015

To: Honorable Town Council, Town of Mammoth Lakes
Honorable Board of Directors, Mammoth Lakes Housing

Sent via email to:

Jamie Gray, Town Clerk, jgray@townofmammothlakes.ca.gov
Jennifer Halferty, Executive Director, Jennifer@mammothlakeshousing.org

Dear Councilmembers and Directors,

Housing is key issue for healthy communities throughout our region, and Mono County is pleased to work with you to find housing solutions. At the November 17, 2015 Board of Supervisors' meeting, we approved a revolving line of credit to assist Mammoth Lakes Housing in purchasing deed restricted properties in support of the need for workforce housing. During our deliberations, we heard from one citizen and considered an email that was signed by 11 Sierra Valley Sites residents expressing concerns that were beyond our jurisdiction. In the spirit of good communication and community health, we promised the residents that we would pass along the following concerns for your consideration.

- A perception that Sierra Valley Sites is being targeted for a greater percentage of deed-restricted workforce housing properties than the rest of the Town. Residents also expressed concern that workforce housing could negatively impact their property values.
- A lack of enforcement of parking, dumpster locations, noise and other codes.
- A request to be more conscientious of homeowners that reside near workforce housing properties.

Following public comment, Jennifer Halferty, Mammoth Lakes Housing Executive Director, informed our Board that Mammoth Lakes Housing is aware of the concerns and is working to address them. Thank you for your consideration and we look forward to partnering with you to improve our communities.

Respectfully,

Timothy E. Fesko, Chairman
Mono County Board of Supervisors



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: County Counsel

TIME REQUIRED 10 minutes (5 minute presentation; 5 minute discussion) **PERSONS APPEARING BEFORE THE BOARD** Stacey Simon

SUBJECT Legal Services Agreements

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Proposed contracts with the Law Firm of Constance Hornig, Esq. (solid waste) and the Law Office of Timothy B. Sanford (general litigation) pertaining to the provision of legal services to the County.

RECOMMENDED ACTION:

Approve County entry into proposed contracts and authorize Chair to execute said contracts on behalf of the County. Provide any desired direction to staff.

FISCAL IMPACT:

Up to an additional \$18,000 to legal services budget with the adjustment between accounts to occur at mid-year budget with no net impact to the Board Approved 2015-16 budget.

CONTACT NAME: Stacey Simon

PHONE/EMAIL: (760) 924-1704 / ssimon@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR **PRIOR TO 5:00 P.M. ON THE FRIDAY 32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Hornig Agreement
Sanford Agreement

History

Time	Who	Approval
12/29/2015 7:39 PM	County Administrative Office	Yes
12/28/2015 12:07 PM	County Counsel	Yes
12/29/2015 9:37 AM	Finance	Yes

Acting County Counsel
Stacey Simon

Deputy
Christian Milovich

**OFFICE OF THE
COUNTY COUNSEL**

Mono County
South County Offices
P.O. BOX 2415
MAMMOTH LAKES, CALIFORNIA 93546

Telephone
760-924-1700

Facsimile
760-924-1701

Legal Assistant
Jenny Senior

To: Board of Supervisors
From: Stacey Simon
Date: January 5, 2015
Re: Contracts for Legal Services

Recommendation

Approve and authorize Chair to sign proposed contracts with the Law Firm of Constance Hornig, Esq. (solid waste) and the Law Office of Timothy B. Sanford (general litigation) pertaining to the provision of legal services to the County.

Fiscal Impact

Up to an additional \$18,000 to legal services budget with the adjustment between accounts to occur at mid-year budget.

Discussion

This office is currently operating with one-half of its usual attorney staff. While a recruitment is in progress to fill one of the vacancies, it is imperative given workload and the needs of the County that additional legal services be provided through outside counsel.

In your packet are two proposed agreements for legal services. The first is with the Law Firm of Constance Hornig, Esq. Ms. Hornig has provided assistance to the County over the years with issues involving the solid waste program. She is a specialist in the field of solid waste law and was originally identified through the recommendations of other California cities and counties. Her work in the past for the County, including her assistance with franchise negotiations and agreements, has been outstanding.

The County's solid waste franchise agreements expire in June of this year and there are various legal issues related to the solid waste program which require attention. Given her history with the County's solid waste program and her expertise in that field, Ms. Hornig's firm is the ideal candidate to assist with these matters.

The second agreement is with the Law Firm of Timothy Sanford. Mr. Sanford is an attorney practicing in Mammoth Lakes and with a history of representing public

entities, including the Long Valley Fire Protection District. The contract provides for Mr. Sanford to be available on an as-needed basis to assist with or handle litigation and/or administrative matters which may arise in the immediate future.

The amount of services provided by Mr. Sanford will depend entirely on the types of matters which arise in the coming months. It is possible that his services will not be required at all. However, having the agreement in place will enable Mr. Sanford to provide his services on short notice, should such a need arise.

If you have any questions regarding this item prior to your meeting, please call me at 924-1704 or 932-5418.

AGREEMENT FOR LEGAL SERVICES

Mono County, California (“**County**”) and the law firm of Constance Hornig, Esq. (“**Attorney**”) enter into this Agreement as of January 5, 2016.

FINDINGS

County has previously retained the legal services of Attorney to develop solid waste franchise and regulatory infrastructure of its integrated solid management system, including licensing and/or permitting solid waste service providers, updating the County’s solid waste code provisions and related ordinances; procuring, drafting and negotiating short/mid/long term no/semi/exclusive solid waste franchises or solid waste service contracts; evaluating solid waste management program administration and implementation funding options; securing private sector participation to ensure AB 939 diversion compliance; and generally implement selected integrated solid waste management programs.

County wishes to retain legal services again with respect to advising the County on issues relating to the integrated solid waste management programs, including franchise collection agreements.

Attorney has provided those services to other local governments in the past and is willing to perform those services for the County;

NOW, THEREFORE, County and Attorney agree as follows:

1. **Scope of services.** Attorney agrees to personally provide County legal services as described in the FINDINGS above at the direction of the County.

2. **Compensation.** County will pay Attorney \$225/hour, plus disbursements (including long distance phone and fax, express mailing services, bulk photocopying, any travel expenses, etc.) at cost, without markup. Attorney will inform County no less frequently than monthly as to the number of hours she has spent. Attorney will provide services described in Section 1 at the direction of the Office of the County Counsel.

3. **Independent contractor.** Attorney is and will remain an independent contractor under this agreement.

4. **Invoicing requirements.** Attorney will render detailed statements setting forth a description of services rendered, the date and number of hours and any disbursements, to County:

Acting County Counsel
Office of the County Counsel
Mono County, South County Offices

P.O. Box 2415
Mammoth Lakes, CA 93546.

County will pay her invoices within 30 days after County receives it. Attorney will keep accurate records of her time and costs, which records will be to inspection and audit by the County at reasonably mutually agreed times during business hours.

5. **Insurance.** Attorney will procure and maintain the following types and amounts of insurance:

(1) HOMEOWNERS

Personal liability \$300,000
Damage to property of others \$500
Medical payments to others \$5,000

(2) BUSINESS OFFICE

Business Liability \$300,000
Medical payments \$5,000
Gen Aggregate (Other than PCO) \$600,000
Products-Completed Operations (PCO Aggregate) \$600,000

(3) LAWYERS' PROFESSIONAL LIABILITY

\$500,000/claim - \$500,000/aggregate

(4) WORKER'S COMPENSATION

as required by law

(5) PERSONAL AUTOMOBILE

Bodily Injury 100,000 each person / \$300,000 each accident
Property Damage 100,000 each accident
Uninsured motorist \$100,000 each person / \$300,000 each accident

6. **Term.** The term of this agreement begins upon its execution by both parties to this agreement and expires upon completion of the scope of services described in Section 1. Faxed or emailed execution pages are binding. This agreement may be terminated at any time by either party upon the terminating party's giving 10 days' written notice of termination to the other party.

IN WITNESS WHEREOF, the parties execute this agreement:

MONO COUNTY

By _____

Date _____

CONSTANCE HORNIG

Date _____

LEGAL SERVICES AGREEMENT

This Agreement is made on this 5th day of January, 2016, at Bridgeport, Mono County, California, between Timothy B. Sanford, Attorney at Law (hereinafter referred to as "Attorney"), and the County of Mono (hereinafter referred to as "Client").

The parties hereto mutually agree as follows:

Scope Of Agreement

Client retains Attorney to provide as-needed legal services representing Client in litigation and administrative hearings, with specific cases to be assigned by Client's Acting County Counsel, or her designee and accepted by Attorney.

Duties Of Attorney And Client

Attorney shall provide those legal services reasonably required to represent Client in the matters described in Paragraph 1 of this Agreement, upon written notice to proceed issued by the Acting County Counsel or her designee describing the nature of the matter and upon acceptance by Attorney. Attorney shall take reasonable steps to keep Client informed of significant developments and to respond to Client's inquiries. Further, Attorney shall work cooperatively with Client's County Counsel attorney staff to jointly prepare for and/or present Client's case(s) when mutually agreed by Attorney and the Acting County Counsel.

Client shall be truthful with Attorney, cooperate with Attorney, keep him informed of developments, perform the obligations Client has agreed to perform under this Agreement, and pay Attorney's statements in a timely manner.

Billing Rates

Client agrees to pay for legal services at the rate of \$300.00 per hour for Attorney's time, \$275.00 per hour for the time of Attorney's associate attorney, and \$140.00 per hour for Legal Assistant time. These rates are subject to adjustment periodically upon the furnishing to Client of thirty days written notice in advance. Attorney charges a minimum billing of two-tenths of an hour for any item of work. Travel time to and from court and other engagements is of necessity charged at the normal hourly rate.

Costs And Expenses

Whenever practical, Client shall directly pay for major costs and expenses by either advancing such costs or expenses to Attorney, or by paying third parties directly.

In all other cases, Client shall reimburse Attorney for all actual costs and expenses incurred by Attorney including, but not limited to, the following: costs of serving pleadings, filing fees and other charges assessed by courts and other public agencies, court reporters' fees, jury fees, witness fees, long distance telephone calls, electronic mail, messenger and other delivery fees, postage, photocopying, parking, mileage, travel expenses (including air fare at coach rates, lodging, meals, and ground transportation), research, investigation expenses, consultants' fees, expert witness fees, and other out-of-pocket expenses incurred by Attorney.

Attorney shall itemize all costs incurred on each monthly statement.

Statements

Attorney shall send Client a statement for fees and costs incurred every month, except that when the fees and costs for a particular month are minimal, they may be carried over to the next month's statement. Client shall pay Attorney's statement within 30 days after each statement date.

Client shall pay to Attorney interest at the rate of one percent (1 %) per month (12% per annum) on all undisputed balances unpaid for more than thirty (30) days.

Attorney's statement shall clearly state the basis thereof, including the amount, rate and basis for calculation (or other method of determination) of Attorney's fees.

Attorney shall provide a statement to Client upon Client's request, no later than ten (10) days following the request. Client is entitled to make subsequent requests for bills at intervals of no less than thirty (30) days following the initial request.

Conflicts and Simultaneous Representation

While working for the County on a matter under this Agreement, Attorney shall not represent another client in a matter which would constitute an ethical conflict of interest (e.g., where confidential information is obtained by Attorney that would prejudice his ability to represent the County in the assigned matter), or that would constitute a violation of the Political Reform Act (Cal. Gov't Code §§ 81000 et seq. and accompanying regulations at 2 CCR §§ 18700 et seq.). Except as herein stated, Attorney shall be free to represent clients in matters involving the County or where the County is a party.

Disclaimer Of Guarantee

Attorney has made no promises or guarantees to Client about the outcome of Client's matters, and nothing in this Agreement shall be construed as such a promise or guarantee.

Discharge And Withdrawal

Either party may terminate this Agreement upon notice to the other party. If either party elects to terminate this Agreement, Attorney shall be paid for all fees and costs which have accrued up to the date of termination. Attorney may not terminate this Agreement, except due to circumstances beyond Attorney's control, during the pendency of an assigned matter.



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

Departments: CAO

TIME REQUIRED 15 minutes (5 minute presentation;
10 minute discussion)

PERSONS APPEARING BEFORE THE BOARD Leslie Chapman

SUBJECT EMS Committee Update

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

EMS Committee Update and request approval to meet for the purpose of finalizing Committee report and presentation to the Board of Supervisors

RECOMMENDED ACTION:

Approve request to meet for the purpose of finalizing the EMS Committee Report and presentation to the Board of Supervisors.

FISCAL IMPACT:

None.

CONTACT NAME: Leslie Chapman

PHONE/EMAIL: 760-932-5414 / lchapmam@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR
**PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
EMS Committee Staff Report

History

Time

Who

Approval

12/24/2015 12:40 PM

County Administrative Office

Yes

12/28/2015 11:59 AM

County Counsel

Yes

12/28/2015 11:27 AM

Finance

Yes



COUNTY OF MONO

P.O. BOX 696, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5410 • FAX (760) 932-5411

Leslie L. Chapman
County Administrative Officer

To: Honorable Board of Supervisors
From: Leslie Chapman, County Administrator
Date: January 5, 2016

Subject: EMS Committee update and request to meet

Recommendation:

1. Receive update on EMS committee progress
2. Approve additional meetings as necessary to complete EMS Ad Hoc Committee report to the Board of Supervisors

Background: In March of 2015, your Board tasked the EMS Ad Hoc Committee to make a recommendation for an emergency services program that is high quality, County wide and fiscally sustainable. To that end, the committee has been meeting twice a month, and based on your Board's direction, had the last scheduled meeting on December 17, 2015. The committee's work is substantially complete and the next step is to make a report to your Board on the committee's activities, conclusions and recommendations. The first draft of the Committee Report was reviewed at the December 17th meeting and small breakout groups were tasked with compiling backup documentation and editing of the report. The next step will be to compile and review the results of the breakout groups' efforts. It is the group's consensus that the most efficient way to accomplish this without violating the Open Meetings Act (Brown Act) is to reconvene as a group and do the final edit. As such, the EMS Ad Hoc Committee is requesting your approval to convene additional meetings as necessary until the results of its work are presented to your Board in February.

Fiscal Impact: None

For questions, please contact me at (760) 932-5414 or lchapman@mono.ca.gov



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

TIME REQUIRED

SUBJECT Closed Session--Human Resources

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Stacey Simon and Leslie Chapman. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
***PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING***

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p>No Attachments Available</p>
--

History

Time

Who

Approval

12/24/2015 11:44 AM

County Administrative Office

Yes

12/29/2015 11:17 AM

County Counsel

Yes

12/17/2015 12:03 PM

Finance

Yes



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

TIME REQUIRED

SUBJECT Closed Session - Public Employment

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Finance Director.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

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YES NO

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History

Time	Who	Approval
12/24/2015 10:56 AM	County Administrative Office	Yes
12/28/2015 11:44 AM	County Counsel	Yes
12/28/2015 11:12 AM	Finance	Yes



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE January 5, 2016

TIME REQUIRED

SUBJECT Closed Session - Existing Litigation

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION/ ADMINISTRATIVE PROCEEDING. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: Ray Tems v. County of Mono.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SUBMIT THE ORIGINAL DOCUMENT WITH
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History

Time	Who	Approval
12/29/2015 7:39 PM	County Administrative Office	Yes
12/30/2015 10:15 AM	County Counsel	Yes
12/30/2015 10:15 AM	Finance	Yes

